

office of the



OMBUDSMAN

British Columbia

annual report

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OMBUDSMAN TABLES ANNUAL REPORT, LOOKS TO THE FUTURE

VICTORIA – B.C. Ombudsman Kim Carter today released her office's 2005 Annual Report, which outlines the Office of the Ombudsman's achievements in 2005.

By 2005, the Office of the Ombudsman had emerged from a period of considerable change. Budget cuts in 2003 and 2004 resulted in the closure of the office's Vancouver location, a reduction in staff and the creation of mobile intake clinics as an innovative way of serving the public. Throughout, the office remained focused on its commitment to ensuring fairness and accountability for all British Columbians dealing with public agencies.

The new Ombudsman acknowledged her predecessor Howard Kushner's leadership during this challenging time saying, "Howard has left an organization that is in remarkable shape given the nature and speed of the changes it has undergone."

The Office of the Ombudsman received over 7,500 new complaints and enquiries in 2005 and saw an increase in matters requiring investigation. While the majority of complaints involved provincial ministries, commissions and boards, the office also dealt with complaints about Crown corporations, health authorities, municipalities, school boards, colleges, universities, and professional associations. Among the resolutions obtained were reinstatement of payments; provision of reasons for decisions; waiving of debt and apologies. In a number of cases the complaints led to systemic improvements.

The new Ombudsman sees the work outlined in this 2005 report not only as a basis for reflection but also pointing to the office's future work. "One of the priorities for my term as Ombudsman is outreach and communication," said Carter. "Creating a dialogue with interested parties, including administrative fairness stakeholders, authorities and non-profit groups will increase the public understanding of our office and assist in focusing our efforts on urgent and important issues."

The Annual Report is available from the Office of the Ombudsman or at its website at www.ombudsman.bc.ca.

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Ombudsman

Legislative Assembly
Province of British Columbia

The Honourable Bill Barisoff
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria, BC V8V 1X4

Dear Mr. Speaker,

It is my pleasure to present the 2005 Report to the Legislative Assembly in accordance with section 31(1) of the *Ombudsman Act*. This Annual Report covers the period January 1 to December 31, 2005.

As an Officer of the Legislative Assembly I would be pleased to appear and report further on these matters at the request of the members.

Yours sincerely,

A handwritten signature in cursive script that reads "Kim S. Carter".

Kim S. Carter
Ombudsman
for British Columbia
August 2006

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forward

This 2005 Annual Report provides the opportunity to recognize Howard Kushner's leadership of the Office of the Ombudsman through challenging times. From an organization with a staff of 50 and two offices in 2000, Howard steered through a 35 per cent budget cut to a staff of 30 with one office, mobile intake units and telecommuters in 2004. Through the innovative use of technology, the creativity of management and the flexibility of staff, the Office of the Ombudsman was able to continue to provide services in the core areas of its mandate.

In the face of budgetary constraints and related personnel reductions, difficult decisions had to be made about which areas would continue to be investigated. Howard made these decisions but also began to advocate for resources to resume investigations in the areas that had been cut or were subject to a "holding queue." He was successful in convincing the Select Standing Committee on Finance and Government Services to increase the 2005 and 2006 budgets to permit the hiring of more investigators so that complaints about education and health authorities, municipalities and professional associations could again be dealt with in the same way as complaints about provincial government ministries.

Howard has left an organization that is in remarkable shape given the nature and speed of the changes it has undergone. It is clear that his focus on recruitment, training, performance standards and service to individual complainants provides a solid base from which to move forward.

The activities included in this report all took place in 2005 while Howard was Ombudsman and the credit belongs to him and the staff of the Office of the Ombudsman.



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from the ombudsman



INTRODUCTION

As I write this introduction and overview for the 2005 report, less than two months after my appointment as Ombudsman in May 2006, I am struck by the breadth of the mandate of the office,

and the dedication and perseverance of the staff. The office has enormous potential not only to investigate and rectify individual instances of unfairness but also to "... generally oversee the administrative actions of government authorities with a view to upholding the democratic principles of openness, transparency and fairness."¹

It is the mark of a mature society that such an organization was created by government to assist in monitoring fair treatment by its own agencies. The Office of the Ombudsman in British Columbia is the embodiment of a conscious, continuing commitment to the concept of administrative fairness. It is being able to say, "If you feel that you were not fairly treated by a provincial ministry, a board, an agency, an authority, and you have exhausted all the internal reviews and appeals, then you can turn to the Office of the Ombudsman. It can independently and impartially look at the matter to identify whether or not the treatment was unfair. If it was unfair it can work to change things. This will not only benefit you but other people in

the same situation, the organization you dealt with, and the government and people of British Columbia." In an era where people are increasingly disengaged from the democratic process because they cannot see their actions having any effect, the Office of the Ombudsman offers the opportunity for individual action to lead to positive change.

Fair treatment is the goal of all individuals and organizations, but sometimes they need assistance to achieve that result, to bridge the gap between principle and practice. The Office of the Ombudsman provides such assistance, not as an advocate for the individual, but as an independent and impartial body.

As the case studies highlight, if you are a self-employed logger faced with a bill of several thousand dollars for air ambulance services because you are classified as an employer, the Office the Ombudsman can help.² If you are a disabled homeowner who has been denied grants designed for people in your situation, the Office of the Ombudsman can help.³ If you are newly arrived in British Columbia, pregnant with your first child and paying for your own medical treatment because you cannot prove that you are in the process of applying for landed immigrant status, the Office of the Ombudsman can help.⁴

While an Annual Report necessarily involves looking back, it can also be useful to illuminate the path ahead. I have learned a great deal from my review and analysis of the work of the Office of the Ombudsman in 2005 and I have set out those matters I

believe are most significant for the future at the end of this overview.

2005 IN REVIEW

This was a year of consolidation and comparative calm after many personnel and organizational changes in 2003 and 2004. Two investigative positions were added to the organization increasing the number of staff from 30 to 32. The new positions allowed the elimination of the "holding queue" for schools, colleges, universities and hospitals. In addition, rather than not investigating complaints about local governments and self-regulated professions, these complaints were placed in a "holding queue" to be addressed when resources permitted. In November 2005, two more investigative positions were authorized by the Select Standing Committee on Finance and Government Services for the 2006-2007 fiscal year to allow the Office of the Ombudsman to address the queue of complaints dealing with these two authorities.⁸

As the statistical analysis outlines, while there was a decline in the overall number of intakes dealt with by the Office of the Ombudsman in 2005, the number of matters requiring investigation increased.⁹ The majority of complaints related to the office's core jurisdiction of provincial ministries and Crown boards, commissions, and corporations.¹⁰ Most files opened, 43 per cent, related to complaints from the Lower Mainland. Vancouver Island accounted for 24 per cent of the files opened and 29 per cent came from other regions of the province.¹¹ The most common reason for not investigating or ceasing to investigate a complaint was the existence of an adequate remedy of which the complainant had not yet taken advantage.¹² Approximately 45 per cent of the issues investigated led to a settlement as provided for in section 14 of the *Ombudsman Act*, while approximately 55 per cent were not substantiated.¹³

The administrative and systems expertise of the Office of the Ombudsman was highlighted when it entered into three licensing agreements for its Case Tracking System with the Alberta Office of the Ombudsman, the Office of the Complaints Commissioner of the Cayman Islands, and the Saskatchewan Ombudsman and Children's Advocate offices.

STATISTICAL SUMMARY

In 2005 the Office of the Ombudsman dealt with 7,662 intakes, which included 5,546 complaints and 2,116 requests for information.¹⁴ A total of 88 per cent of requests and complaints received by the office were by phone or mail, but increasingly the Internet form on the website, provided direct and timely access to complainants. The remaining intakes were presented in person at the Victoria office or at mobile intake clinics.¹⁵

Almost half the people who requested information from the Office of the Ombudsman did so about matters not within the jurisdiction of the Ombudsman. In those cases, the Intake Team members did their best to provide useful information or identify another agency that could help the person making the enquiry.¹⁶ Of those people who made complaints to the office, that is where files were opened, 91 per cent complained about matters that ended up being within the jurisdiction of the office.¹⁷

In 2005, 3,683 files were closed by Complaints Analysts, 690 by Ombudsman Officers after a preliminary review and 1,165 by Ombudsman Officers after investigation. This reflected an approximately 15 per cent increase in the number of files closed by Ombudsman Officers in comparison to 2004.¹⁸

The authorities that the Ombudsman's Office dealt with most often in 2005 were: the Ministry of Employment and Income Assistance; Ministry of Children and Family

Development; Ministry of Public Safety and the Solicitor General; Ministry of Health; Ministry of Attorney General; the Workers' Compensation Board; Workers' Compensation and Appeal Tribunal; Insurance Corporation of British Columbia (ICBC) and British Columbia Hydro and Power Authority. These nine authorities accounted for approximately 62 per cent of the files closed by the office in 2005.¹⁶

Section 13 of the *Ombudsman Act* provides a number of reasons why a matter may not be investigated or an investigation stopped. In 2005, this approach was taken most often when: there was an adequate administrative process open to the complainant that had not yet been utilized; further investigation was not required to consider the complaint; or the complaint was withdrawn by the complainant. Very few files were closed on the basis of: too long a delay before complaining; a lack of sufficient personal interest; or because the complaint was determined to be frivolous, vexatious or trivial.¹⁷

When looking at the statistics relating to complaints being substantiated or not, often if it was clear that a complaint was likely to be substantiated, the authority itself also recognized a person had not been treated fairly and wanted to rectify the situation. In those situations, the complaint was settled as provided for in section 14 of the *Ombudsman Act*.¹⁸ A total of 291 files were closed in 2005 under section 14.

JURISDICTION

There was only one statutory change to the jurisdiction of the Office of the Ombudsman in 2005, which was the addition of Thompson Rivers University.

As outlined in the 2004 Ombudsman's Annual Report, the increasing number of government services provided through contract by non-governmental agencies or new statutory agencies required an ongoing

re-evaluation of the Ombudsman's mandate to ensure that the office continued to meet its obligation to provide independent and impartial review of administrative actions of government, however delivered, in order to ensure fairness and accountability.

MOBILE INTAKES

The year 2005 was the first full year of operations with telecommuters and mobile intake clinics replacing the office in Vancouver. In order to enhance accessibility for complainants and to increase knowledge and understanding of the role and mandate of the Office of the Ombudsman, mobile intake clinics were operated in the Lower Mainland throughout 2005. Later in 2005, given the success of the Lower Mainland program, mobile intakes were expanded to include parts of Vancouver Island. Whenever appropriate, the clinics were held in Government Agent offices to reduce costs, however they were also held in locations ranging from seniors' centres to commercial facilities. Eight mobile intake clinics were held in Surrey; eight in Richmond; eight in Abbotsford; eight in Coquitlam; six in Burnaby; six in North/West Vancouver; and one each in Nanaimo and Parksville. Mobile intake clinics were also held in Fort St. John, Dawson Creek, Tumbler Ridge, Chetwynd, and Hudson's Hope during the Ombudsman's tour of northeastern British Columbia in June 2005.

While there was no appreciable decline in the number of complaints from the Lower Mainland in 2005, the percentage of enquires and complaints still remains statistically lower than the percentage of the population for that region.

SPECIAL REPORT

Section 31 of the *Ombudsman Act* permits the Ombudsman to comment publicly about specific cases the office has investigated if the Ombudsman considers it would be in the

public interest. On February 22, 2005 Special Report No. 26: *Report on the Insurance Corporation of British Columbia's Minimal/ No Damage-Low Velocity Impact Program* was presented to the Legislative Assembly.

The origin of the report was a series of individual complaints to the Office of the Ombudsman about the Insurance Corporation of British Columbia's (ICBC) administration of a program it introduced in 1992 to reduce the cost of adjusting claims filed by individuals in minor, low-velocity impacts. In March 1999, a review of these complaints led to an Ombudsman-initiated investigation, as provided for in section 10 of the *Ombudsman Act*. During the course of the Ombudsman's investigation 94 individual claims were reviewed. In 69 cases, ICBC agreed with the Office of the Ombudsman that the claims should not have been denied under the program and subsequently adjusted them on their merits. In total over \$1.2 million was paid out in claims that would have otherwise been denied.

In 2003, ICBC modified the program in response to concerns expressed by the Ombudsman. However, the Ombudsman's ongoing concern was for the people dealt with under the program from 1992 to 2003 who had not been fairly treated because their claims had not been adjudicated on the merits. The Ombudsman recommended that if those claimants approached ICBC and submitted that their claims had been unfairly denied, ICBC should review those claims. ICBC rejected the recommendation.

This Special Report showed the positive systemic impact that an Ombudsman investigation can have, as it led to changes in program criteria. At the same time it highlighted the challenges inherent in convincing organizations to review and reassess past decisions.

Special reports continue to be a rarely used, but very effective tool in the Ombudsman's repertoire of persuasive and consultative mechanisms to rectify unfair treatment.

PROVINCIAL OUTREACH

As part of the Office of the Ombudsman's outreach program, the Ombudsman and two staff members visited northeastern British Columbia in June 2005. The Ombudsman spoke to newspaper reporters, radio stations, civic organizations, representatives of organizations within the Ombudsman's jurisdiction and community leaders in Fort St. John, Dawson Creek, Tumbler Ridge, Chetwynd and Hudson's Hope.

WELCOMING THE FUTURE

This overview demonstrates that the Office of the Ombudsman in British Columbia has been working quietly and efficiently, helping to make British Columbia a fairer place to live. It also identifies some areas where greater emphasis can make the office more effective in meeting its mandate of fairness for all. Public education and outreach will improve understanding of the role and jurisdiction of the Office of the Ombudsman. Reaching out through non-profit groups will help those who face challenges accessing our services. Opening a dialogue with administrative fairness stakeholders will assist in focusing our efforts on urgent and important issues. Working with authorities to improve their complaint resolution processes will enhance the appropriate, expeditious resolution of problems. Finally, judiciously using Ombudsman-initiated investigations to address systemic problems will increase the positive impact of the office.

ENDNOTES

- 1 Report of the Special Committee to Appoint an Ombudsman, The Legislative Assembly of British Columbia, Second Session Thirty-Eight Parliament, April 26, 2006, page 1
- 2 Ambulance bill waived for self-employed logger, see page 31
- 3 Improved information for homeowner grant applicants, see page 23
- 4 Finding a Way to Ensure Coverage, see page 11
- 5 Distribution of "Lack of Resources" Closings, see page 44
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case summaries

INTRODUCTION

The case summaries show the variety of work done by the Office of the Ombudsman and the results of our investigations. The cases involved people living in all parts of the province who dealt with authorities such as ministries, local governments, health authorities, and provincial Crown corporations:

The Office of the Ombudsman has a mandate to investigate complaints about administrative decisions, actions, omissions or processes that people perceive treat them unfairly. In some cases, people may believe they were not dealt with fairly, but our investigations reveal that the administrative process was fair. In that situation, making a complaint to our office may lead to a better understanding of the process that affected them.

In other cases, an administrative process may be unfair to someone in a particular circumstance, and a complaint to our office may lead to the result originally desired or some other resolution. Examples of such resolutions in 2005 include: a payment being reinstated; reimbursement of expenses; a clearer explanation of the reasons for charges; an apology; a reassessment of a bill; a reversal of charges; provision of reasons for a decision; payment for damage; issuing a letter of clarification; waiving a debt; change to a

pension entitlement; partial reinstatement of a licence; an increase in benefits; the issuing of a grant; waiving of a charge; and the reinstatement of a loan entitlement.

Finally, an individual may bring forward an issue that is not only unfair in a particular circumstance, but shows a system can be improved for everyone's benefit. In 2005, such systemic improvements included: ensuring an appropriate transition period when programs change; improving election advertising; adding to or changing information in standard letters to clients; developing an information hand-out for customers; making changes to a staff manual; changing an entry on a website; ensuring telephone numbers are published in a directory; and revising a policy.

The case summaries as a whole show that in over one-third of the resolved cases, the resolution not only benefited the individual complainant but also led to an improvement in the system. They also demonstrate the willingness of many organizations to look at matters from the perspective of administrative fairness and make changes. Finally, they illustrate that anyone, from a student to a small business person, may need the assistance of an impartial and independent review to resolve their difficulties.

Ministry of Health

Finding a way to ensure coverage

Mr and Mrs F contacted our office regarding their medical coverage. They explained that they were married and expecting their first child later in the year. They informed us that Mrs F had applied for permanent resident status earlier that year and was waiting to hear from Canada Immigration. In the meantime, they had applied for her Medical Services Plan coverage. Because of Mrs F's immigrant status, she was required to provide additional documentation including proof that she had applied for permanent resident status.

Mr and Mrs F explained to us that as they had received nothing from Canada Immigration, they were not able to supply the Medical Service Plan with the proof that she had applied for permanent resident status. They said they had made a number of attempts to contact Canada Immigration and were very frustrated with the process because of the difficulty reaching that office. Mr and Mrs F said they were concerned that they would not have medical coverage in time for the birth of their child. They also noted that they were paying for medical visits for the expectant mother and were experiencing financial difficulty as a result.

We contacted a supervisor at the Medical Services Plan who reviewed the sections of the *Medicare Protection Act* and indicated that if Mr and Mrs F were able to obtain a client number from Canada Immigration, she could verify that Mrs F had applied for permanent resident status directly with Canada Immigration. Fortunately, the next time the couple called Canada Immigration they were able to obtain a client number for Mrs F and that information was passed on to the supervisor at the Medical Services Plan. The supervisor immediately verified the information with Canada Immigration and activated Mrs F's medical coverage retroactive to the first day she became eligible for medical benefits. We contacted the couple and confirmed that Mrs F was covered under the Medical Services Plan and provided them with information on how they could claim reimbursement for medical expenses they paid directly while waiting for approval of coverage.

Ministry of Health

Money incorrectly deducted from income tax refund

Mr S explained that his income had always been below the level required to pay MSP premiums and that he had applied for premium assistance in 2003. He said he qualified for MSP premium assistance and that his eligibility had never changed. However, Mr S explained that he received Canada Revenue Agency Notices of Assessment for 2003 and 2004 showing deductions made from both years' tax refunds to pay for outstanding MSP premiums. Mr S tried to resolve the situation directly with Health Insurance BC (HIBC) but was told that he owed the premiums and they had been deducted from his 2003 and 2004 tax

refunds. After Mr S explained to staff at HIBC that his eligibility for premium assistance had never changed and provided documents to support this claim, they agreed to refund him a portion of the amount deducted from his tax refunds. Mr S was told that the remaining amount could not be refunded because it was for premiums from "too long ago."

After we contacted the ministry, HIBC advised us that it reviewed Mr S's file again and determined it had coded Mr S's debt incorrectly. Mr S's code was corrected and HIBC issued him a cheque for the remaining amount owing.

Ministry of Health

Reimbursement for change in marital status

Mr E, who shared a residence with the same roommate for many years, explained that PharmaCare considered him to be in a spousal relationship despite his efforts to satisfy the program that he was not. He told us he had attempted to correct the information through Health Insurance BC and PharmaCare as he understood that his PharmaCare entitlement and his medical premiums were based on the Health Insurance BC records. He told us he was frustrated in his efforts to resolve the matter. He explained that because he was treated as if he were in a spousal relationship, he was required to make payments that would not have been required if he were assessed as a single recipient. Mr E believed he should be retroactively reimbursed for prescription

payments because his PharmaCare deductible had been incorrectly based on his being in a spousal relationship.

Both PharmaCare and Health Insurance BC reviewed their records and agreed to adjust the individual's status to single commencing from the previous year. PharmaCare indicated the individual was entitled to be reimbursed for the previous year and issued a cheque to him. Mr E remained concerned that neither PharmaCare nor Health Insurance BC had backdated their records far enough. He provided additional information to Health Insurance BC and both PharmaCare and Health Insurance BC subsequently adjusted their records to reflect Mr E's single status from 1999 forward and reimbursed him accordingly.

Ministry of Health

Sorting out problems with premium assistance

Since January 1998, residents of British Columbia have been required to enrol with the Medical Services Plan (MSP). Enrolment entitles a beneficiary to the medically required services of participating physicians and other medical benefits. It also has a direct bearing on a person's eligibility for general hospital services and other health-related government programs such as PharmaCare. Beneficiaries are required to pay monthly premiums at a prescribed rate unless their income or other circumstances entitle them to receive a premium subsidy.

Mr D complained to the office after he received a bill requesting he pay about \$2,100 for premiums owed to the MSP. Mr D said his income was well below the threshold that would entitle him to a 100 per cent premium subsidy. However, he said he was illiterate and could not complete the premium assistance application form. Mr D said that in 2002 he had informed the Ministry of Health that he did not have the financial means to pay premiums and when premium billing ceased, he assumed the matter had been remedied.

In general, premium assistance may be extended retroactively to eligible beneficiaries, but only to the beginning of the preceding calendar year. In response to this complaint,

the Ministry of Health reviewed archived records and found that in 1994 Mr D authorized the ministry to obtain information regarding his income from the Government of Canada. It appeared the ministry had not exercised that authority to obtain information regarding Mr D's income.

Under the circumstances, staff at the ministry believed it was appropriate to consider Mr D's eligibility for premium assistance retroactively beyond the previous calendar year. Staff also decided not to require Mr D to complete an application form. Instead, they invited him to submit his tax records for review.

In the course of our discussion with Mr D, he mentioned that he broke his leg in 2002 and was charged \$249 for a cast that was applied at a hospital. Mr D said he paid the fee because he understood he was not enrolled in MSP at the time. However, when Mr D learned he was enrolled, he questioned whether the fee should have been charged by the hospital.

Following consultation and after verifying the information provided by Mr D, the hospital agreed to refund Mr D the full amount he had paid for the cast.

Ministry of Health

Name change costs waived

Ms U told us that the Vital Statistics Agency of the Ministry of Health treated her unfairly by requesting that she initiate, and pay for, another legal name change. Ms U stated that the agency could not locate its copies of her adoption record or her name change document. Ms U said the agency should not penalize her for its administrative inefficiency.

We discussed this matter with the Regional Manager and the Chief Executive Officer of the agency. The Chief Executive Officer informed us that, in reviewing Ms U's file, he could only surmise that she had changed her name at a time when identification, such as a driver's licence, could be obtained in a name one was "known as." We were further advised that because identity security is much tighter now, many institutions such as the Motor

Vehicle Branch and the Passport Office are only issuing identification in a legal name. The Chief Executive Officer stated that, as a result of current security measures, Ms U was unable to provide legal entitlement to the surname she had been using and was unable to renew identification in that name.

The Chief Executive Officer stated he could understand the confusion and frustration that Ms U might be experiencing as a result of having different identification in different names. In light of this and on receipt of substantiating proof of Ms U's use of the surname in question, the Chief Executive Officer told us he would waive the name change fee of \$137 as provided for under the *Name Act*.

Ministry of Advanced Education

Student loan reinstated after bankruptcy

Ms Z contacted our office with a complaint concerning the Student Services Branch of the Ministry of Advanced Education. She explained she declared bankruptcy in 2004 while attending a diploma program. She applied to the branch for a conditional reinstatement of her eligibility for financial assistance in order to complete the program, and this was granted. The branch informed her she could reapply for reinstatement of additional funding in the future.

After Ms Z received her diploma, she notified the branch that she wanted to continue her studies and obtain a university degree. She spoke to an Information Officer at the branch about making a second application for reinstatement. She submitted her application and requested three years of additional funding to complete her bachelor's degree.

The branch advised Ms Z that its Reinstatement Committee approved her application and she was entitled to receive further financial assistance under the British Columbia Student Assistance Program (BCSAP). However, after Ms Z made arrangements to enrol in a university program, the branch notified her that it had made an error. This error was described as an administrative oversight concerning the date on which she had filed bankruptcy. The branch informed Ms Z that her eligibility for funding could not be considered for ten years from the end date of her last study period. The branch reversed its previous decision and denied her application for further funding.

Ms Z complained to our office that it was unjust of the branch to reverse its decision, since it had known of her bankruptcy situation at the outset. She also believed it was unfair that the branch did not inform her

that she would not be eligible for further funding for a ten-year period. She noted that if she had been informed, she would not have wasted time pursuing a second application and she would have considered other options.

We discussed Ms Z's concerns with a Debt Management Supervisor at the branch. The supervisor reviewed the circumstances of Ms Z's case and found that there appeared to have been a misunderstanding of the reinstatement policy on the part of some of the members of the Reinstatement Committee when Ms Z's second application was considered. The supervisor confirmed that the policy is that students who have declared bankruptcy are not eligible for reinstatement under the BCSAP until ten years after the end of their last study period. However, the supervisor acknowledged that this information was not communicated to Ms Z when she inquired about making a second application. The supervisor also acknowledged that the policy is not clearly stated in the information that is generally available to students.

The supervisor recognized that the branch made an error in approving Ms Z's second application and Ms Z should not have to bear the consequences of that error. Therefore, the supervisor advised us that the branch would honour the Reinstatement Committee's original decision and, as a one-time exception, would approve three years of additional funding to enable Ms Z to complete her bachelor's degree. The supervisor informed Ms Z of this decision and apologized to her for any inconvenience she had experienced. The supervisor also reviewed the information the branch provides in its letters and on its website, and changed the wording to clarify the branch's policy on reinstatement of eligibility after bankruptcy.

Ministry of Advanced Education**NSF fee reimbursed due to error by authority**

A mother complained on behalf of her son that the BC Student Loan Service Bureau at the Ministry of Advanced Education refused to waive a \$20 late payment fee because a certain loan payment was not made when it was due. The mother said this was unfair because her son had given the bureau information about his new bank account from which the payment should have been made.

Staff at the Student Services Branch reviewed this matter. They told us that the bureau received the son's information about his new bank account. It did not revise its records, however, because the new account was in the

name of the son's nickname instead of his full first name. When the bureau tried to withdraw payment from the old bank account, there were no funds left, so the bureau placed a NSF charge on the son's loan account. Staff at the Student Services Branch told us it disagreed with the bureau's position. They said the bureau should have processed the new bank account information before attempting withdrawal of a payment. The Student Services Branch therefore instructed the Bureau to reverse the NSF charge, issue a cheque for \$20 in favour of the son to cover any charges the bank might have made, and issue a letter of apology.

Ministry of Children and Family Development

Unfair delays sorted out

Ms D called the office because she believed her worker at the Ministry of Children and Family Development had given incorrect information to the Child Tax Credit (CTC) office on when the woman's children were returned to her care. The woman pointed out that the error would cost her over \$400 in a lost refund. Although the ministry acknowledged its error, she encountered a long delay in having the error fixed. Ms D advised that the matter was urgent as she was facing a deadline to provide the correct information to the CTC office.

Ms D said her daughter and son returned to her care on February 26 and March 1 respectively and her ministry file was closed through the court on April 7, 2005. The ministry gave April 7, 2005 to the CTC as the date her children were returned to her care. Ms D said when she attempted to correct the error at the CTC office, a staff member told her that he did not believe an error had been made. The woman's worker at the ministry agreed to help her but there was a long delay in the worker obtaining permission from her supervisor to make the change.

After we contacted the Community Services Manager about Ms D's complaint, she contacted us the next day to say that her worker had been authorized to correct the error and provide the accurate dates to the CTC. At that point, we considered the matter settled. However, Ms D contacted us shortly after to inform us that the CTC office had still not received the correct dates and she was concerned that the deadline to seek the refund was looming. We learned that the ministry was again questioning what date to provide to the CTC office as the woman's son had been picked up by the RCMP and taken back to the group home sometime after March 1, 2005, and they questioned whether this would affect the question of whether he was under Ms D's care. The woman advised, however, that her son had returned to her home the same day he had been picked up, and the ministry agreed to advise the CTC office that the boy had returned to his mother's care effective March 1, 2005.

Ministry of Children and Family Development

Funding reinstated for orthodontics for foster child

Ms M explained she was foster parenting a 15-year-old boy whose orthodontist recommended treatment. She said the orthodontist submitted a request to the Ministry of Children and Family Development's Medical Benefits Program for funding of this treatment. However, the request was denied on the basis that it did not meet the program's minimum eligibility criteria. The boy's social worker contacted the program for a more detailed response but no further information was provided. Ms M believed the ministry acted unfairly by not providing adequate reasons to support its decision.

We contacted the Dental Program Officer, who confirmed that Ms M's foster son met one of the dental criteria outlined in the

ministry's guidelines. However, no information was submitted with regard to the impact of the treatment on the boy's emotional and psychological development. The officer indicated that if the social worker submitted this information, it would be considered.

The social worker later confirmed she had submitted a report, and the program subsequently approved the treatment. We also spoke with the Manager of the Dental Program, who advised that in future the program would clearly communicate its criteria to the parties by including the program criteria with denial letters.

Ministry of Children and Family Development

Money refunded for child care expenses

Ms K advised that following a lengthy time in hospital, she needed help caring for her children at home. She said that a social worker from the Ministry of Children and Family Development (MCFD) suggested she apply to the Child Care Subsidy Program for assistance. She did so and was told by the social worker that her application was approved. On the basis of this assurance, Ms K hired a caregiver. However, the Ministry of Employment and Income Assistance (MEIA) subsequently informed her that she was not eligible because she did not meet the financial eligibility criteria. Ms K dismissed the caregiver but by that time had incurred a debt of \$540 for child care services. Ms K requested reimbursement of the debt but was denied by MCFD; Ms K believed this was unfair.

The Assistant Regional Executive Director responded to our office on behalf of MCFD. She advised that MCFD staff had discussed Ms K's case with MEIA and was assured her subsidy would be approved. Hence, MCFD staff advised the complainant that her subsidy was approved. In recognition of the impact on Ms K's family, MCFD agreed to cover her debt. The Assistant Regional Executive Director noted that MCFD has reviewed its processes, and steps have been taken to revise the policy manual and make staff more aware of the referral process to avoid problems in the future.

Ministry of Children and Family Development

Youth has right to be heard

A youth contacted our office and explained that several months ago she had moved to the province with her mother. She indicated that shortly after arriving it became apparent that she would not be able to live with her mother and maternal grandmother and she was subsequently placed in a group home. The youth advised us that she wanted to return to her hometown in another province. She explained that she wanted the ministry to assist her in achieving that goal. We explained to the youth that while we could not become involved in the decision-making process regarding returning to her home province, we could ensure that her concerns and wishes were being heard, considered and responded to by the ministry.

We contacted the youth's social worker and reviewed her concerns. It was apparent that

she was fully aware of the youth's wishes and concerns and that she was in regular contact with the youth. She read us a letter that she had recently written to the youth. The letter dealt with a number of issues that the youth had raised with her social worker, including her desire to move to her home province.

The Ombudsman's standards of administrative fairness include a right to be heard and the right to a response with reasons. The letter to the youth met these standards in what we believed to be a manner that was very respectful and used age-appropriate language. We informed the youth that we were satisfied that her social worker was aware of her concerns, had communicated her decision and provided reasons for the decision, and was prepared to continue to hear and respond to her.

Ministry of Children and Family Development / Interior Health Authority

Payment received for services rendered

Ms O complained that the Ministry of Children and Family Development (MCFD) and the Interior Health Authority refused to pay for services she provided. She explained that on February 1, 2004 a young person with a developmental disability and mental health problems was moved from a specialized residential care facility and placed in her home. Ms O said she was led to believe she would be paid from the time the client was placed in her home. However, the service contract she eventually signed with MCFD was effective from April 1, 2004. Ms O believed that she should be paid for the first two months that the client was in her care.

It appears that the placement of the client may not have proceeded according to established protocol. It also appears there may have been miscommunication between the authority and the ministry regarding the funding of the placement. Although there were questions as to which agency was responsible for payment, it was generally agreed that payment should be made for the services Ms O provided. Following consultation, the ministry and the authority agreed to share the cost on a 50/50 basis.

Ministry of Employment and Income Assistance

Program changes need transition period

Mr C contacted us when the ministry refused to adjudicate his dentist's request for pre-authorized dental services. He explained that the request was submitted several months prior to amendments to a regulation that resulted in the program being discontinued. He informed us that the ministry did not adjudicate his request prior to the effective date of the regulation. The ministry maintained they were unable to adjudicate the request once the amendment to the regulation took effect. Mr C alleged the ministry was acting in an arbitrary fashion.

Our office consulted extensively with the ministry regarding Mr C's complaint and about the lack of a period of transition for program and service changes. The ministry proposed a resolution to Mr C's complaint that resulted in payment for the dental work he had originally requested assistance for. The ministry indicated it would address the issue of ensuring there are appropriate transition periods when programs change.

Ministry of Employment and Income Assistance

Disability benefits issued after unreasonable delay

Mr M complained that the Ministry of Employment and Income Assistance treated him unfairly by failing to adhere to the Employment and Assistance Regulation. He claimed that the ministry had not met the regulation's requirement to reconsider a decision within 10 business days, and consequently he would not receive disability benefits for the month of October 2005.

We discussed Mr M's concerns with the ministry. The ministry agreed that it had failed to render a reconsideration decision within the timelines set out in regulation. The ministry also agreed that it was its delay that resulted in Mr M not receiving disability benefits. As a result, the ministry contacted the man to confirm he would be issued the October 2005 disability benefits immediately.

Ministry of Public Safety and Solicitor General

A second chance to drive

An operator of a trucking company contacted our office and explained that because he failed an Examination for Visual Function (EVF) test, the Office of the Superintendent of Motor Vehicles (OSMV), Ministry of Public Safety and Solicitor General, immediately cancelled his Class 1 driver's licence. Mr A indicated that he suffered a detached retina in one eye and as a result was considered legally blind in that eye. He said he had consulted with his doctor on the matter and stated that his vision in the other eye had been stable for over two years.

Mr A indicated he was given the option to appeal the Superintendent's decision but he declined to do so as his appeal would not be

heard for three months. In Mr A's opinion, the OSMV's decision was unfair because he believed his vision would not preclude his ability to operate a commercial vehicle. He also felt that an appeal of the Superintendent's decision was not a viable option for him.

In response to enquiries from our office, a Case Manager reviewed the results of Mr A's EVF test and determined that he was fit to hold a Class 1 driver's licence, subject to some restrictions. The Case Manager wrote to Mr A and informed him that he could request the reinstatement of his driver's licence on the condition that he would no longer be permitted to operate Class 2 or 4 vehicles, which resolved the matter for Mr A.

Ministry of Public Safety and Solicitor General

Consistent access important

Inmates who are incarcerated at provincial correctional facilities may make complaints concerning the operation of a correctional centre to the Investigation and Standards Office (ISO). Mr G, who was incarcerated at North Fraser Pretrial Centre (NFPC), contacted our office and explained he wanted to contact ISO about a complaint. However, he had no money in his account, so the telephone system at NFPC would not allow his call to go through. He complained that this was unreasonable.

It was our understanding that telephone calls from inmates to ISO are supposed to be free of charge. We discussed Mr G's concern with the Deputy Warden of Programs at NFPC and confirmed that our understanding was correct. The problem was that ISO's direct

telephone number was not in NFPC's database of calls that could be made without charge. The Deputy Warden advised us that Mr G could reach ISO by calling Enquiry BC and asking for his call to be transferred. We provided Mr G with this information.

It appeared to us that it is important for inmates to be able to contact ISO directly and consistently at its published telephone number from any provincial correctional centre. We discussed this with the Director of ISO and he agreed. He subsequently informed us that ISO's direct telephone number would be added to NFPC's database. He also advised us that his staff would contact all the provincial correctional centres to ensure inmates have consistent access to ISO's telephone number.

Ministry of Public Safety and Solicitor General

Audit review revises findings of non-compliance

Mr B, the business manager of a charitable society, complained to our office that an auditor for the Gaming Policy and Enforcement Branch of the Ministry of Public Safety and Solicitor General used unfair procedures in conducting an audit of the society in 2004. The audit covered the period from November 2002 to October 2003.

The audit report, which was issued in August 2004, noted two instances of non-compliance. Mr B contended that these instances of non-compliance were based on guidelines that were not in effect during the audit period, and that the society was in compliance with applicable rules at the time. He wanted the report of non-compliance to be removed from Enforcement Branch's file, as he believed it might have an adverse effect on the society's future ability to access charitable gaming funds.

After discussing Mr B's concerns with him and reviewing the documentation that he provided, we spoke with the director of Enforcement Branch's Audit and Compliance Division. Based on the information available to us, it appeared that the auditor based one of the findings of non-compliance on a

guideline that was not in effect during the time period being audited. The second finding of non-compliance concerned the transfer of money from the society's gaming account to its general account. It appeared that the society obtained permission from Enforcement Branch during the period in question to reimburse its general account for eligible charitable disbursements. We brought this information to the attention of the director and he reviewed the 2004 audit. The director advised us that Enforcement Branch could not change an audit report, or remove it from a file once it was issued. However, if warranted, the conclusions could be revised after the fact.

The director contacted Mr B and discussed a resolution. Following his review of the matter, the director determined that, given the circumstances, neither of the instances noted in the 2004 audit report represented non-compliance. He issued a letter to this effect to Mr B and confirmed that the letter would be placed on file with the 2004 report to indicate that the audit found no instances of non-compliance. The director also sent a copy of this letter to Enforcement Branch's Director of Licensing and Grants.

Ministry of Small Business and Revenue

Improved information for Home Owner Grant applicants

Mr N complained that his application for the additional Home Owner Grant for persons with disabilities was denied unfairly.

We discussed Mr N's concerns with the Home Owner Grant Administration (HOGA). We learned that staff at the Property Taxation Branch (PTB) denied this man's application because they were unaware he was receiving disability assistance from the Ministry of Human Resources (MHR). Once

he provided evidence from the MHR to prove that he was receiving disability assistance under the *BC Employment and Assistance for Persons with Disabilities Act*, HOGA staff indicated they would issue the additional grants to him for the years in question.

At our office's request, HOGA staff took action to ensure that additional information is provided to future grant applicants who are receiving disability assistance from MHR.

Ministry of Small Business and Revenue

Intervention speeds up refund

Mr P contacted our office with a complaint alleging unreasonable delay on the part of the Revenue Services British Columbia (RSBC), of the Ministry of Small Business and Revenue. He said that as a result of RSBC's instructions to the federal government, a claim was made against his income tax refund. Mr P informed us that RSBC erroneously claimed \$1,127 more than it was entitled to in arrears owed to the RSBC.

Mr P told us that a RSBC representative advised him that it would take approximately

eight weeks before the refund request could be processed. It was the complainant's contention that this delay was unreasonable.

After discussing the matter with a RSBC Financial Analyst, we were informed that the refund could be processed well before eight weeks. We advised Mr P that he would be receiving his refund cheque within two weeks from the time he first contacted our office.

Ministry of Small Business and Revenue

Home Owner Grant process improved

Ms D contacted the office with a complaint against the Home Owner Grant Administration (HOGA) at the Ministry of Small Business and Revenue. Ms D said that she and her late husband purchased land in the Interior of B.C. in 1973 and built a home on the land. At the time, they were living in the Lower Mainland and only used the new residence for recreation. Starting in 1989, Ms D and her spouse began to split their time in the two houses, wintering in the Lower Mainland and spending the rest of the year in the Interior. In 1993, Ms D and her husband applied for and received a Home Owner Grant on the Interior property, and continued to receive it until 2004. After Ms D's husband died, she continued to live in the Lower Mainland during the winter months and in the Interior during the summer months.

In 2004, HOGA demanded the repayment of six years of Home Owner Grants because it was concluded that Ms D's principal residence was in the Lower Mainland. The legislation allows HOGA to seek reimbursement of up to six years of Home Owner Grants if HOGA determines retroactively that the homeowner was not eligible for the grant.

Ms D contacted the HOGA auditor and sent in additional information supporting her assertion that the house in the Interior was her principal residence. HOGA refused to change its decision and told her she could appeal the decision to the Grant Administrator.

Ms D felt she was not given a fair chance to respond to the auditor because she was not

originally given reasons for HOGA's decision to deny the Home Owner Grant.

When we contacted staff at HOGA, we were told it is normal practice to send an enquiry letter, which sets out the reasons why they believe there may be an eligibility issue. The letter gives the homeowner an opportunity to send in additional information. HOGA staff acknowledged that this process was not followed. We noted that Ms D contacted the auditor and was advised of the factors used to determine eligibility. As well, she submitted information to the auditor on two occasions, which the auditor considered before deciding she was not eligible for the grant.

After discussions with our office, HOGA staff offered to send Ms D a detailed letter outlining the reasons why they determined she was not eligible for the grant. Ms D could use the information to prepare her appeal to the Grant Administrator, as she should have been provided these reasons in writing originally.

During our discussions with HOGA staff, we looked at the wording of the enquiry letter. The letter is meant to set out the reasons for HOGA's concern, and to ask for additional information from the homeowner. Once the information is received, HOGA makes its determination, and the homeowner can then appeal this decision to the Grant Administrator. Staff agreed to reword the letter to reflect that the actual decision has not been made yet and therefore the repayment of the grant is not yet required.

Ministry of Small Business and Revenue

Revision to collection letter provides clarity

Mr and Mrs A contacted our office with a complaint concerning the Ministry of Small Business and Revenue. They explained that the ministry issued a demand notice to their bank in connection with a property transfer tax matter. The ministry released the demand prior to Mr and Mrs A's contact with our office. However, Mr and Mrs A complained to us that it was unfair of the ministry to have sent the demand notice to their bank, as it resulted in the denial of certain automatic debit and deposit transactions.

Mr and Mrs A purchased a house in 2002 and applied for an exemption from the property transfer tax under the First Time Home Buyers' Program. The ministry's Property Transfer Tax Office granted the exemption and advised Mr and Mrs A that their application would be reviewed again one year from the date of registration of the transfer. The second review is required under the program to ensure applicants have met the residency and financing requirements of the exemption.

The Property Transfer Tax Office sent the one-year follow-up letter to Mr and Mrs A in October 2003 and requested confirmation of their financing information. However, Mr and Mrs A did not respond to this letter. In the absence of the required information, the ministry sent a Notice of Assessment requesting payment of the property transfer tax to Mr and Mrs A on February 5, 2004.

Mr and Mrs A did not respond to the Notice of Assessment. Consequently, 30 days later on March 5, 2004, the ministry's Collections Branch sent a letter requesting payment of the property transfer tax. The letter notified Mr and Mrs A that if payment was not

received or they did not contact the office within 15 days, "legal action may be taken." Mr and Mrs A did not contact the Collections Branch. Therefore, the ministry took collection action and on March 23, 2004 a demand notice was sent to Mr and Mrs A's bank.

However, one day before the expiration of the 15-day time limit set out in the ministry's March 5 letter, Mr and Mrs A's bank faxed the documentation the ministry originally requested back in October 2003 to the Property Transfer Tax Office. Unfortunately, neither Mr and Mrs A nor their bank notified the Property Transfer Tax Office or the Collections Branch that the information was sent.

On March 29, 2004, a staff member from Mr and Mrs A's bank contacted the ministry. Ministry staff assessed the financial information the bank submitted and based on this information, Mr and Mrs A's exemption was reinstated.

Our investigation found that although Mr and Mrs A's bank faxed the financial information to the Property Transfer Tax Office one day before the expiration of the 15-day time limit, given the large volume of correspondence the Property Transfer Tax Office receives, it was not practical to expect that staff could have notified the Collections Branch in time to have prevented the issuance of the demand notice.

We found the ministry acted in accordance with the requirements of the First Time Home Buyer's Program in assessing Mr and Mrs A's eligibility for a property transfer tax exemption. It was Mr and Mrs A's failure to provide the required information that resulted in the denial of their exemption. When they

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did not respond to the notices the ministry sent to them, the matter became a collections issue.

The information available to us indicated that the ministry followed its procedures relating to notification and collection of debts. We noted that it is the function of the Collections Branch to collect debts owed to the government and the issuance of a demand notice to a financial institution is a valid means of collecting a debt.

During our investigation, we discussed with the Manager of Collections the importance of direct contact between the taxpayer and the ministry's collections staff. We noted that the ministry's standard collection letter advises recipients that they have 15 days either to

submit payment or to contact the office.

However, the letter provides contact information for two sections of the ministry: the Property Transfer Tax Office and the Collections Branch. We noted that taxpayers who respond by sending information to the Property Transfer Tax Office might not realize they must contact the Collections Branch directly if they want to prevent further collection action.

We proposed that the wording of the standard paragraph in the ministry's collection letter could be improved so that misunderstanding on the part of some recipients could be avoided. The Manager of Collections agreed to revise the letter.

Ministry of Transportation

Determining responsibility for damage

Mr B was driving his vintage Harley-Davidson motorcycle along the highway on a hot summer's day and he slowed down for a road construction zone. Up ahead there was signage indicating that the road was being upgraded. He followed the pilot car over the freshly tarred road and noted that the tar had not set but he had nowhere to go as there were cars behind him. When the man returned home he noticed there was tar and gravel all over the bottom of his motorcycle. He took it to the repair shop and was advised he needed a new drive belt. The man took pictures of the drive belt and kept it as evidence because he thought he should not have to bear the cost of the repairs given he was not at fault and he could not avoid driving on the fresh tar.

The man contacted the ministry and was advised that it was between him and the local contractor to work things out and he should submit a claim to the contractor who was doing seal coating work on the highway. He submitted his claim to the contractor and his claim was rejected. The ministry refused to accept his claim for damages on the basis that

the contractor had followed the terms of the contract and the road was properly signed to advise of the work in progress. In addition, the ministry maintained it was indemnified from all claims arising from a private contractor's work. The man contacted the Ombudsman's Office because he thought the ministry was not being fair.

We contacted the motorcycle repair shop and confirmed that there was significant tar and gravel on the drive belt of the motorcycle. We confirmed that the contractor applied the tar to both sides of the road instead of doing one side of the road at a time and allowing the tar to set. It appeared that the contractor should have been aware that the tar was not going to set in the high temperature in the middle of the day and should have waited until the evening or the next morning to do the work.

We requested that the ministry review the man's claim again as we were satisfied that the drive belt was damaged by the tar and gravel. The ministry gave consideration to this individual situation and accepted the man's claim and provided him a payment of \$922.88 for the new drive belt.

BC Pension Corporation

Corporation amends pension

Ms J contacted the office and said that when she worked at a care facility, she received two retroactive wage increases in two lump sum payments. Ms J said she was notified by the BC Pension Corporation that these amounts were not included in the calculation of her pension because her former employer had advised the corporation that the payments were for work done for a society owned by the employer, which was not a pensionable employer. Ms J sent written information to the corporation showing that the payments were for her work at the facility, not for any work done at the society. The corporation refused to change its decision.

When our office contacted the corporation, we learned that it generally relies on the employer to report whether amounts paid to

the employee are pensionable. In Ms J's case, the corporation relied on a letter provided by the employer stating that the amounts were not pensionable because the payments were made to the employee for her work done at the society.

We discussed with the corporation the written information sent to it by Ms J and the corporation agreed that the information raised some questions about the statement provided by the employer. The corporation advised that it would ask the employer to provide further documentation to support its position. When the employer was unable to provide the documentation, the corporation accepted Ms J's version of events and amended her pension to include the two payments.

Workers' Compensation Board

Letters to survivors of WCB pensioners improved

Ms E disagreed with the Workers' Compensation Appeal Tribunal's decision that the Workers' Compensation Board (WCB) was correct in making her survivor's pension effective the date she applied for the pension instead of the date when her husband passed away.

Ms E's late husband was receiving a WCB pension at the time of his death. She maintained that her delay in applying for a survivor's pension was because she was unaware that the cause of her husband's death was listed on a schedule of diseases for which survivor's pensions could be obtained. She claimed that the WCB should have reviewed her husband's cause of death and his occupation and alerted her to her eligibility for a survivor's pension.

We reviewed the tribunal's decision and discussed it with Ms E. We noted that the workplace injuries for which her late husband was receiving a WCB pension were unrelated to the cause of his death. We also observed that the *Workers' Compensation Act* places the onus on the applicant and not on the WCB to apply for benefits and pensions.

Although there was nothing that we could do to assist Ms E with her particular situation, we did obtain the WCB's agreement to modify its letters to the survivors of WCB pensioners. The revised wording alerts survivors to the possibility that their spouses' cause of death may entitle them to further pension benefits and that they should contact the WCB to discuss their circumstances.

Workers' Compensation Board

WCB waives \$14,000 debt

Mr K contacted the office with a complaint about the Workers' Compensation Board (WCB). He said he had applied for a WCB number in 2000 when he was attempting to start a business. When the funding did not come through for the business, he abandoned the business idea, but he did not cancel the WCB number. The complainant did not hire any employees and did not pay any WCB premiums.

Mr K said that when he was injured in 2004, he only received 50 per cent of his wage loss, but he discovered that his claim was being reduced to pay off approximately \$14,000 in WCB premiums that he owed on his abandoned business. He contacted WCB and provided proof the business was never established. When he did not hear back, he contacted the WCB's Complaint Office and our office.

During the course of our investigation, we learned that the complainant had been

advised in his wage loss decision letter that his wage loss was being reduced by 50 per cent due to outstanding WCB premiums. He did not appeal this decision, or ask further questions.

When we contacted the WCB's Complaint Office, the Complaints Officer said they had already followed up with the WCB employee who Mr K had contacted. The delay occurred because Mr K had not originally provided all the documentation requested and the letter sent to him requesting the information was sent to his old address. Once Mr K submitted the remainder of the information, a letter was issued advising that WCB had amended the estimated payrolls for the relevant years to zero.

When we contacted the WCB's Complaints Office, we were advised that it was in the process of amending its records to waive the \$14,000 debt and reimburse Mr K for the \$2,600 deducted from his wage loss claim.

Workers' Compensation Board

Clearing up miscommunication results in wage rate increase

When Mr T contacted our office, his complaint was about delay by the Workers' Compensation Board (WCB). He told us the Review Division issued a decision in his favour regarding the calculation of his wage rate, but the WCB had not yet implemented this decision. Mr T believed that the delay in implementation was unreasonable. As it turned out, the matter was somewhat more complicated.

A worker's long-term wage rate is usually based on the worker's earnings with the employer for the 12-month period preceding the date of injury. However, Mr T, who was a journeyman floor layer, was employed for less than three months at the time of his accident. In cases where a worker has been employed for less than 12 months, the *Workers' Compensation Act* provides that average earnings must be based on the earnings for the 12-month period immediately preceding the date of injury, for a person of similar status employed in the same type and classification of employment by the same employer, or if no person is so employed, by an employer in the same region.

Mr T's employer did not employ any other salaried journeyman floor layers. Therefore, the WCB calculated Mr T's long-term wage rate using an "ALL BC" statistical earnings rate for floor layers. This calculation resulted in a long-term wage rate for Mr T that was less than he earned at the time he was injured. Mr T requested a review of this decision.

The Review Division directed the WCB to use reasonable efforts to obtain earnings information for salaried journeymen floor layers in the region of the province where

Mr T worked and to use this information to determine his long-term wage rate. However, the Review Officer also directed that, if the information was not available, the WCB could reinstate the "ALL BC" rate. This was the decision that was awaiting implementation.

We discussed Mr T's complaint with the Client Services Manager of the WCB office that was handling his claim. The Client Services Manager acknowledged the delay in implementing the Review Division's decision. It appeared that some staff had misinterpreted the effect of the mandatory 40-day waiting period that follows the issuance of Review Division decisions. The Client Services Manager reminded her staff that, unless an appeal has been filed, decisions that involve the payment of retroactive benefits should be implemented immediately following the end of the 40-day waiting period. Therefore, staff should obtain any information that they require to implement the decision prior to the end of the waiting period, not after. In the circumstances, the Client Services Manager directed her staff to give Mr T's case priority attention.

WCB staff initially were unable to find any earnings information for a salaried journeyman floor layer in the specified region, since most floor layers work as independent contractors. Therefore, the Case Manager informed Mr T that the WCB decided to revert to the "ALL BC" rate, as provided for in the Review Division decision.

During our discussions with Mr T, he informed us that he had provided the WCB with the contact information for a flooring company in his region that had employed a full-time journeyman floor layer during the

period of time relevant to his claim. We brought this information to the attention of the Client Services Manager.

Following her review, the Client Services Manager advised us that a WCB staff member had contacted the flooring company, but she was not aware that the earnings information was required for a specific time period. The WCB staff member contacted the flooring company again and confirmed that a salaried full-time journeyman floor layer had

been employed during the relevant time period. The wages paid to this employee were higher than the "ALL BC" rate and more closely reflected Mr T's salary at the date of his injury.

The Client Services Manager accepted this earnings information as the basis for revising Mr T's long-term wage rate. The WCB processed the rate adjustment and Mr T received a retroactive increase in his benefits.

British Columbia Ambulance Service

Ambulance bill waived for self-employed logger

Mr R, a self-employed logger, was injured on the job and required land and air ambulance services. He later received a bill from the British Columbia Ambulance Service (BCAS) for \$2,796. When he inquired about the bill, he discovered that he was billed at the full rate rather than at the reduced rate charged to British Columbia residents with Medical Services Plan (MSP) coverage. The full rate was applied because under the *Workers' Compensation Act*, the employer pays for the initial ambulance transportation for an employee who is injured on the job. As Mr R paid into the Personal Optional Protection plan through the Workers' Compensation Board, he was therefore considered the "employer."

Mr R then discovered that you could apply to have your ambulance bill waived if you are on

MSP premium assistance. As he was on premium assistance, he asked to be considered for remission on this basis. However, BCAS determined that because he had been billed as the "employer," he was not eligible to apply for remission.

We reviewed the applicable legislation, including the *Health Emergency Act* and the *Health Emergency Act Remission Regulation*. It appeared that Mr R had been billed at the correct rate. However, the legislation did not appear to preclude Mr R from applying for remission based on the fact that he was billed as the "employer." We therefore asked BCAS to review its policy and its interpretation of the legislation. Based on this review, BCAS determined that Mr R could apply for remission. BCAS revised its policy accordingly, and cancelled Mr R's bill.

BC Lottery Corporation

Rewiring costs reimbursed

Mr V complained about the way the BC Lottery Corporation (BCLC) communicated with him when it decided to relocate its lottery terminal from a business he purchased and renovated, to a nearby stationery and postal outlet. He complained that BCLC officials led him to believe his proposal to retain the lottery terminal in his newly renovated, licensed premises would be approved and, as a result, he rewired his premises to accommodate the changed

location of the lottery terminal.

After reviewing the concerns, Mr V raised with our office, the BCLC agreed it could have been more effective in its communications with him. The BCLC corresponded with Mr V and apologized for any distress he may have experienced as a result of the miscommunication. As a way of resolving Mr V's complaint, the BCLC reimbursed him for the cost of rewiring his store.

BC Hydro and Power Authority

Better communication brings clarity on costs to remote user

Each year, BC Hydro allots a sum of money to subsidize uneconomic line extensions to customers in remote areas off the electrical grid. Prospective customers make proposals requesting Uneconomic Extension Allowance (UEA) grants and Hydro's board awards grants to the successful applicants.

Our office became involved when Ms P, a UEA customer, received an estimate of \$4,600 for her contribution to a new line, paid it, and then received a second estimate for an additional \$3,800. Ms P thought she had reached a binding agreement with Hydro when she paid the first estimate and committed to the job. Hydro told her that an employee made a mistake costing the job. Ms P thought that was Hydro's problem not hers and she said that no one explained either the error or the job cost in a way she could understand. Once the estimate was changed, she began to question whether even the second estimate was done correctly.

Ms P and her neighbour should have contributed between them about 20 per cent of the total cost for the line (approximately

\$50,000). Instead, they were billed less than 10 per cent of the total cost because of the error by the employee who did the first estimate.

After a lengthy investigation, two things became clear. First, if Hydro had not requested the corrected amount, Ms P would have had a larger subsidy than anyone else receives, on top of an already significant subsidy of over \$35,000. Second, Ms P did not understand the UEA program or how her share of the costs was calculated.

Ms P agreed that she should pay the increased charge, once she got clear and complete information about the way the UEA program works and why the increased charges were a "correct" calculation of her share. Though this file was settled we were concerned by the potential that the next UEA customer could be equally confused or uninformed so we asked Hydro to review its available information on UEA, with a view to developing a pamphlet or form letter for future UEA applicants or customers.

Accordingly, Hydro has developed a one-page handout to accompany future UEA estimates.

Land and Water BC

Role reminders important

Mr F contacted our office and explained that his residential water service is provided by a private utility. He informed us that he had been without water for almost two weeks and that the utility had told him the problem was due to a broken pump. Mr F did not believe the utility was taking adequate steps to repair the pump and restore his water service. He had spoken with staff at the local Water Management Branch office, but he was told that there was nothing they could do. Mr F was of the opinion that since the branch had licensed the private utility, it should ensure service was provided to all the customers. He complained to our office that it was unreasonable of the branch not to have taken steps to compel the utility to repair its equipment and restore his water service.

The *Water Utility Act* provides that water utilities are subject to the regulation and control of the Comptroller of Water Rights at the Water Utility Regulation Section of the branch. Mr F was not aware of the existence of the Comptroller's office.

In order to determine whether the Comptroller could assist Mr F, we spoke with the Secretary to the Comptroller. The secretary confirmed that a water utility is

required to provide service to its customers unless there is good reason not to, such as non-payment of a bill. He also informed us that the Comptroller's office accepts and responds to complaints from the customers of water utilities. We advised Mr F of this process and provided him with information that would enable him to make his complaint to the Comptroller.

Since the Comptroller's complaint handling process provided Mr F with a means of resolving his complaint about the water utility, there was no need for our office to conduct an investigation of the branch's response. However, we were concerned that the staff member at the local branch office had not referred Mr F to the Comptroller. It appeared that this staff member did not fully understand the Comptroller's regulatory function. As a result, any water utility customers with whom the staff member spoke were not being advised that the Comptroller's complaint resolution process was available to them. We discussed this issue with the Secretary to the Comptroller. He agreed to bring the matter to the attention of senior management at the branch.

City of Surrey

City accepts responsibility for blocked pipe

Mrs L. wrote to our office after the City of Surrey decided to reject her claim for compensation. She had asked for reimbursement for her costs to pay a crew to expose the storm drain across her property and on the boulevard, after her property flooded. In its reply, the city told her that it was not legally liable for her costs, so would not pay them.

To Mrs L., this was unacceptable for three reasons. Firstly, although her contractor had proved the blockage was outside her property by using a camera to investigate the blocked line and city workers had come to her home and looked at the on-camera results, the city would not assume responsibility for the problem until she paid her contractor to dig up the storm drain pipes to show the blockage. This cost her \$2,200 on top of the money she paid the contractor to pump out her own property after it flooded. Secondly,

she said the city acted inconsistently, because it paid when her neighbour had the same difficulty a year or so earlier. Lastly, Mrs L. thought the city was wrong to think it had no liability since the city should have known there was an increased chance of problems on her line when her neighbour experienced the same problem earlier.

When notified of our investigation, the city did an internal review of the circumstances and determined its staff made an error in the decision to deny the request. The bylaws provide that the city will reimburse taxpayers for reasonable costs to expose a drainage line after the taxpayer advises the city of a blockage, if the blockage is in the city's portion of the line. City staff met with Mrs L. to discuss her request for compensation and issued a cheque for full reimbursement of her costs to expose the line.

Okanagan-Similkameen Regional District

Improved process for future elections

Mr Q was a resident of a regional district that contained eight electoral areas. In 2002, elections were held to elect one regional director for each area. The regional director in Mr Q's area was elected by acclamation. Mr Q was not satisfied with this outcome. He contended that the lack of additional candidates was due to a failure on the part of the district to properly advertise the Notice of Nomination for the election.

Mr Q complained to our office that the district had not acted in accordance with the provisions of the *Local Government Act* when it published the Notice of Nomination for the 2002 election in only one newspaper in the district. Mr Q was seeking to have the election declared invalid, but we advised him that this was not a remedy our office could provide. We could, however, review the administrative process and if our investigation found any unfairness, we could propose procedural improvements for the future.

Our investigation found that the district obtained an opinion from its lawyer regarding the publication requirements for the 2002 Notice of Nomination, and it acted in accordance with that opinion when it published the notice in just one newspaper.

However, during our investigation, we noted that for the 2002 elections, the district changed its method of publishing the Notices of Nomination from what it used in previous years. We were concerned that this change might have resulted in a less effective process. Therefore, we consulted with the district and asked whether it would consider, for future elections, reverting to its former practice of publishing election-related notices in a combination of newspapers, bearing in mind the geographical composition of the district and the distribution patterns of the available newspapers.

In response, the district advised us that, prior to the next general election in 2005, the board would review its method of advertising in order to eliminate any perception of procedural unfairness.

We contacted the district again in August 2005 to follow-up on the commitment it had made to us. The district advised us that it had made arrangements to publish the 2005 Notice of Nomination in 11 different newspapers in the district to ensure the notice would be available in all the electoral areas.

College of New Caledonia

Sometimes there are good reasons for not giving refunds

Ms V complained to us several months after a local college refused to refund the fees she paid for a one-day first aid course. Ms V became concerned when she found out that a similar course (at a different campus of the same college) did not require advance payment of fees, so refunds were not an issue. Ms V told us she had been unable to attend the course at the last minute because of a combination of work and illness. She said she thought the college should have the same policy for all its campuses, and that she believed the college policy should support the value of work-related training and should not penalize persons who cancel because they cannot attend.

Our investigation did not support Ms V's view that the policy is different between campuses for courses delivered by the college. Sometimes private agencies rent space on college campuses. Such private training, delivered for instance by St. John's Ambulance, is not subject to college policies so may have different rules about when or whether fees are paid, even though such courses are delivered in a college-owned building.

First aid and similar non-academic courses are not funded by the province. College policies about refunds in these "self-funded" continuing education courses are posted in each campus admission office, are on the college website, and are included with fee receipts.

When we investigated the facts of Ms V's complaint we learned she had registered on December 9, the last day of possible registration. Her registration made seven students in a course that usually requires ten

to break-even financially. Since the instructor agreed to accept a lower fee, the college decided to go ahead with the course and entered into an agreement to pay the instructor. At that point, the college was bound to pay the instructor. Sometime after December 9 and before the course date of December 16, Ms V called the college. The notes from that call are that Ms V said she was "not really interested" in the course. Apparently, college staff told Ms V that she was not eligible for a refund as refunds were available only up to December 8, but that she could sell her registration or allow someone else to use it, if she wished.

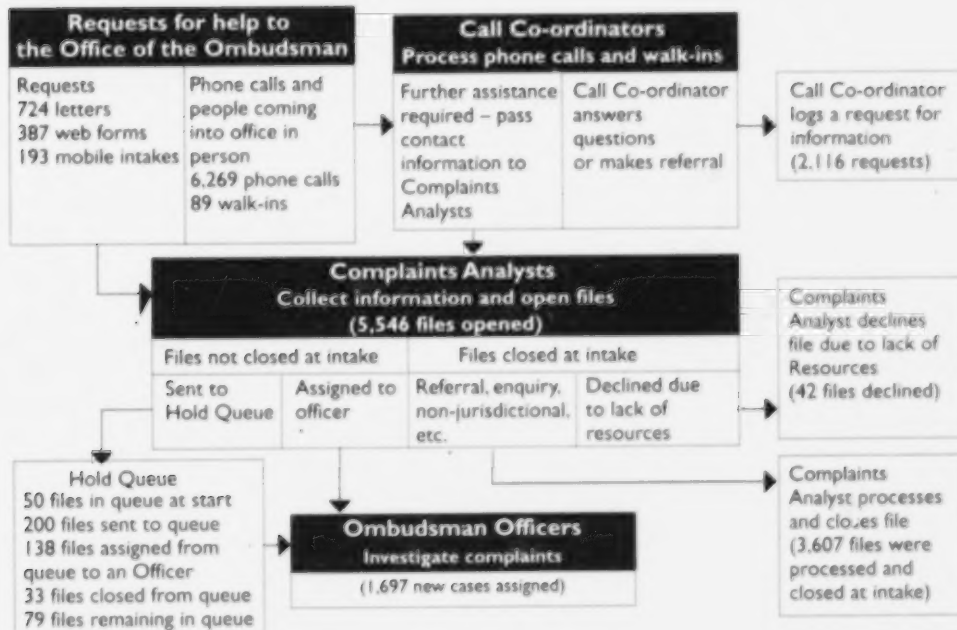
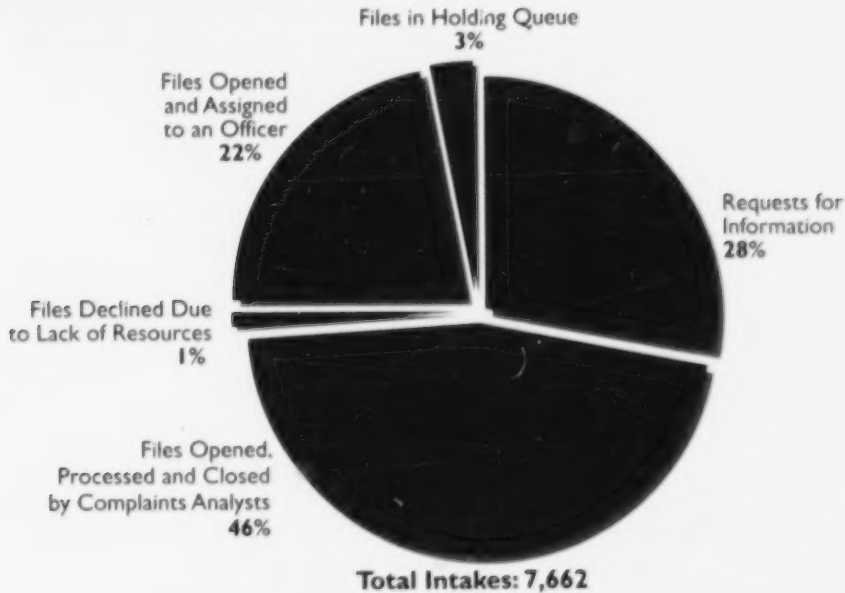
Though the college's refund policy states there are no refunds after the minimum enrolment date, the college does offer some flexibility. As Ms V was told, students may sell or transfer their registrations. As well, the college will grant a credit where a student has extenuating circumstances, such as a hospital admission or a late change to usual work shifts. Ms V did not advise the college of any such circumstances. In her phone call to the college, and in an email sent a month later, she simply said she was not interested in taking the course.

When we look at a complaint about the fairness of a refund policy, we must consider other interests, and not just those of the students. In this case, the policy was clearly stated, it was available, and it considered the interests of the college and the instructor as well as the interests of the student. The college considers a refund in unusual circumstances but has no fairness obligation to refund money just because a student changes her or his mind.

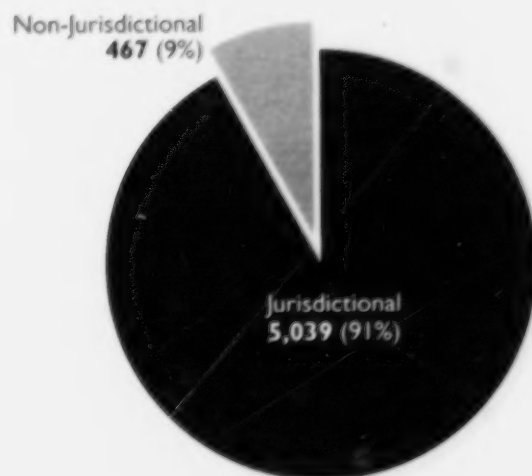


statistics

HOW INTAKES WERE PROCESSED IN 2005



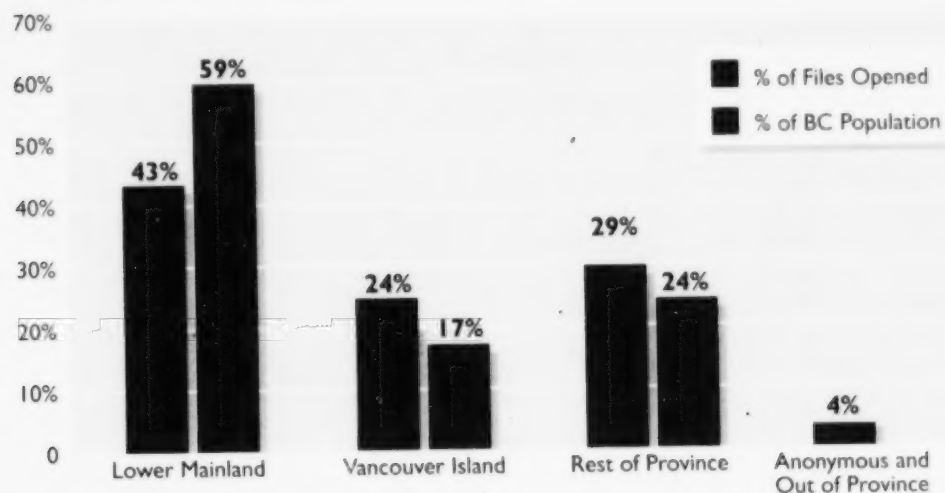
FILES OPENED IN 2005



Intakes in 2005

	Jurisdictional	Non-Jurisdictional	Totals
Requests for Information	1,054	1,062	2,116
Files Opened	5,039	467	5,546
Total	6,093	1,569	7,662

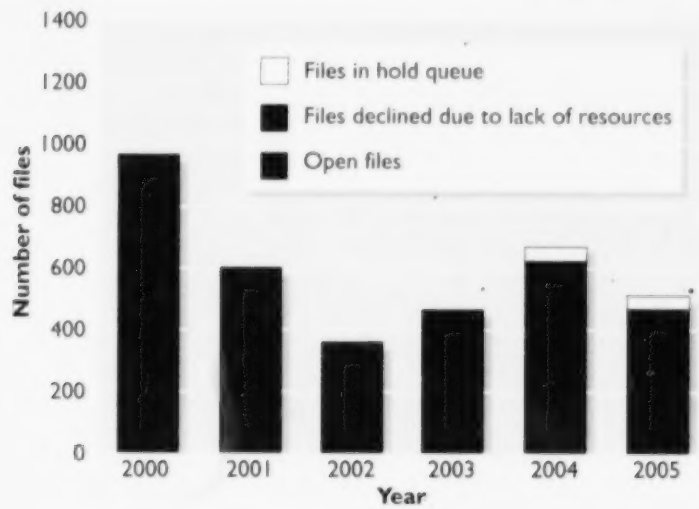
FILES OPENED IN 2005 BY REGION



Number of Files Opened

	Files Opened	Jurisdictional Files Opened
Lower Mainland	2,383	2,164
Vancouver Island	1,337	1,221
Rest of Province	1,595	1,477
Anonymous	56	28
Out of Province	175	149
Total	5,546	5,039

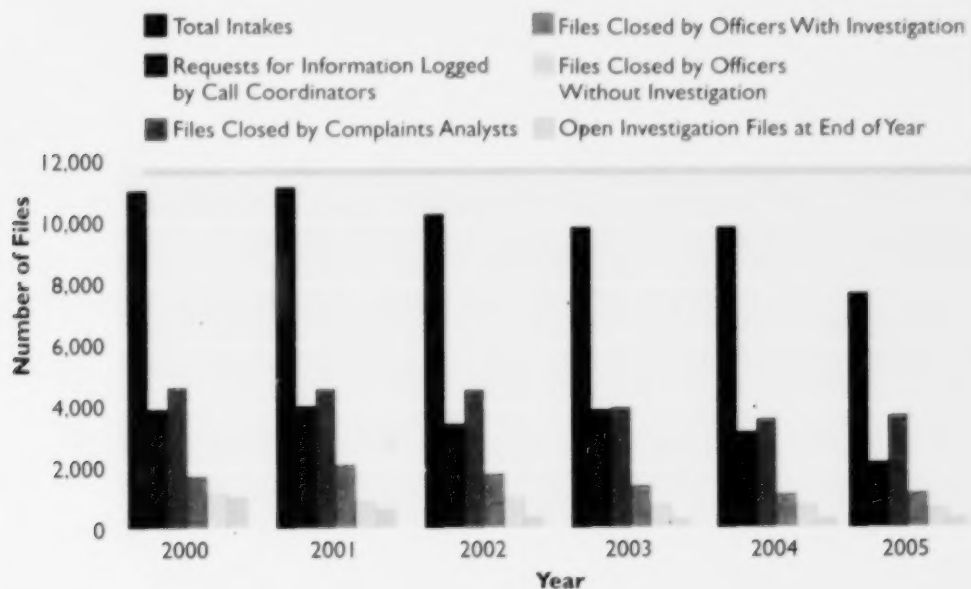
OPENED AND DEFERRED FILES



Number of Files at the End of Each Year

	2000	2001	2002	2003	2004	2005
Open files	964	605	361	278	405	387
Files in holding queue	0	0	0	0	50	79
Files declined due to lack of resources	0	0	0	206	210	42

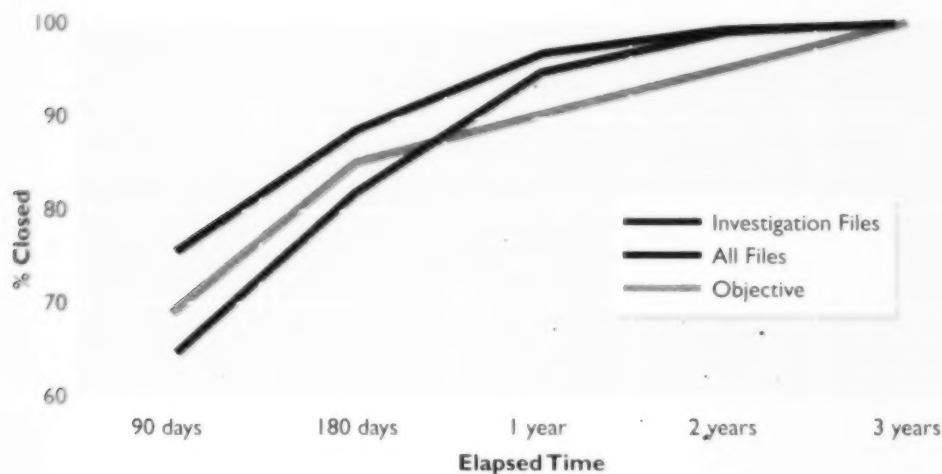
OFFICE CASE LOAD



Breakdown of Office Case Activity

	2000	2001	2002	2003	2004	2005
Open at beginning of year	1,191	964	605	361	278	405
(Data correction – deletion of duplicate files)				(1)	(2)	1
Waiting in hold queue	-	-	-	-	-	50
Requests for information - jurisdictional	2,212	2,098	1,739	2,106	1,608	1,054
Requests for information - non-jurisdictional	1,585	1,852	1,602	1,756	1,512	1,062
Files opened - jurisdictional	6,582	6,597	6,405	5,494	4,791	4,840
Files opened - non-jurisdictional	526	501	535	499	465	506
Files opened to holding queue	-	-	-	-	187	200
Total intakes	10,905	11,048	10,281	9,855	8,563	7,662
Requests for information logged by call coordinators	3,797	3,950	3,341	3,862	3,120	2,116
Files closed by complaints analysts	4,544	4,566	4,453	3,962	3,652	3,683
Total closed at intake	8,341	8,516	7,794	7,821	6,772	5,799
Files closed by officers with investigation	1,646	2,009	1,751	1,370	1,007	1,165
Files closed by officers without investigation	1,170	907	1,000	757	612	690
Total closed by officers	2,816	2,916	2,751	2,127	1,619	1,855
Reopened	25	25	20	14	7	2
Open at end of year	964	605	361	278	405	387
Waiting in hold queue	-	-	-	-	50	79

FILES CLOSED IN 2005

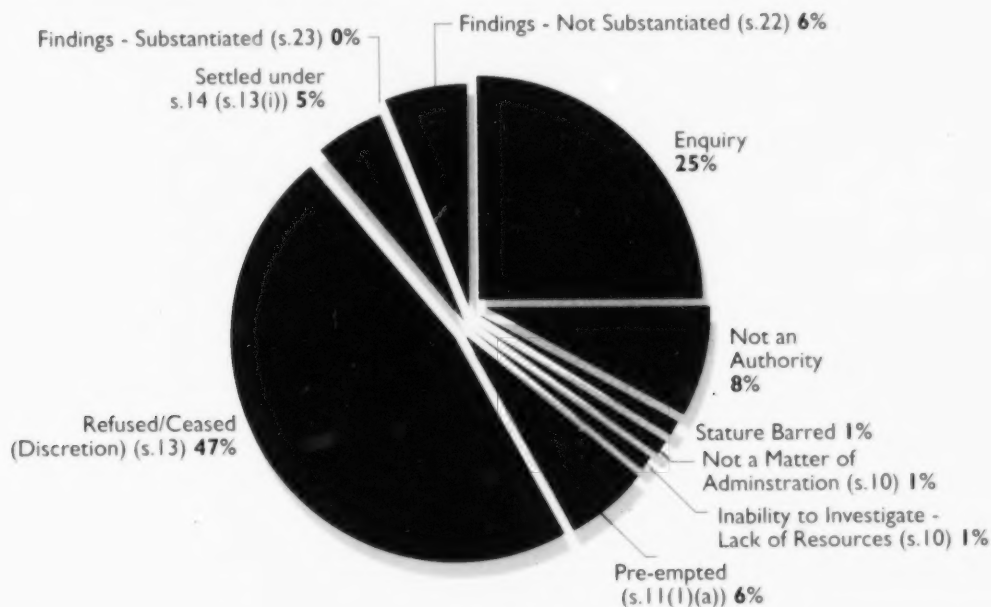


Number of Files Closed

	90 Days		180 Days		Within 1 Year		2 Years		3 Years	
	Files	%	Files	%	Files	%	Files	%	Files	%
Investigation Files	754	65.0%	956	82.0%	1,102	95.0%	1,150	99.0%	160	99.6%
All Files	1,402	76.0%	1,640	88.0%	1,791	97.0%	1,840	99.0%	1,850	99.7%
Performance Objective*		70.0		85.0		90.0		95.0		100%

* Note: These performance objectives apply to the investigative teams, so files closed at intake are not included in these numbers.

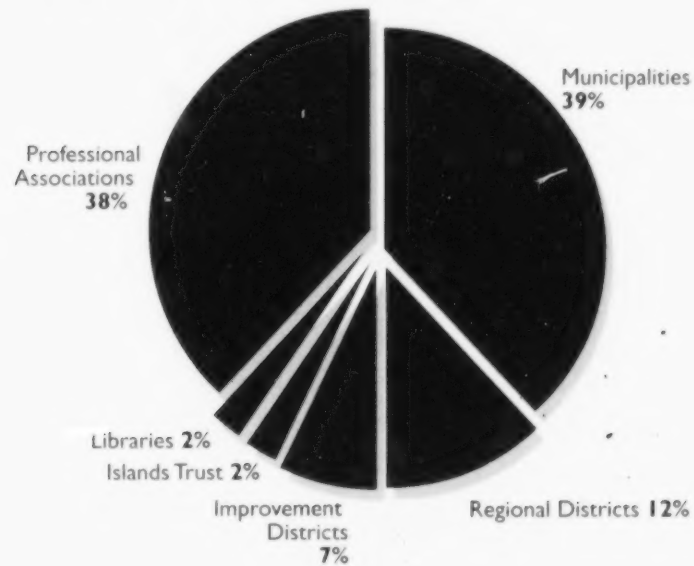
HOW FILES WERE CLOSED IN 2005



Closing Status	No Investigation	Investigation	Total Matters Closed*
Enquiry	1,433	NA	1,433
Not an authority	483	NA	483
Statute barred	59	NA	59
Not a matter of administration (s.10)	61	7	68
Inability to investigate – lack of resources (s.10)	42	0	42
Pre-empted (s.11(1)(a))	313	17	330
Refused/ceased (discretion) (s.13)	1,982	688	2,670
s.13(a)	3	0	3
s.13(b)	9	0	9
s.13(c)	1,397	27	1,424
s.13(d)	0	0	0
s.13(e)	388	609	997
s.13(f)	13	11	24
s.13(g)	47	17	64
s.13(h)	125	24	149
Settled under s.14 (s.13(i))	NA	291	291
Findings - substantiated (s.23)	NA	1	1
Findings - not substantiated (s.22)	NA	338	338
Total Closings	4,373	1,342	5,715
Total Files Closed*	4,373	1,165	5,538

* For investigation files, the number of files closed is no longer the same as the number of closings. Starting July 2003, we began closing each issue, or matter of administration identified on a file, separately. Each investigation file has one or many matters of administration. Therefore, the number of matters closed during a period may be greater than the number of files closed during that period. A file is considered closed when all of its matters of administration are closed.

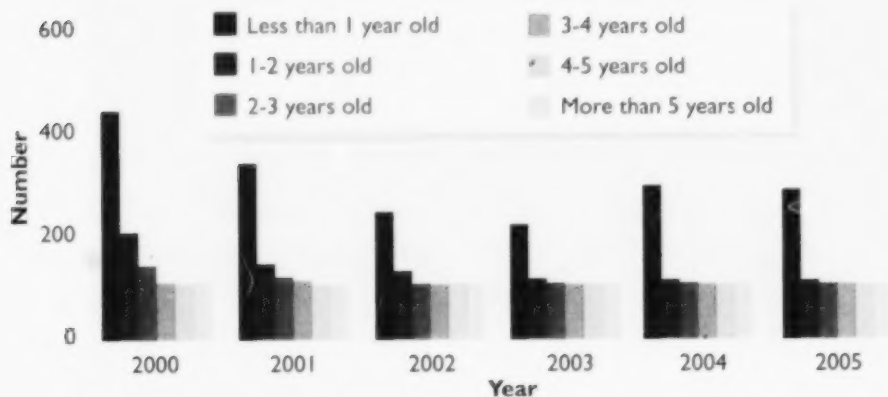
DISTRIBUTION OF "LACK OF RESOURCES" CLOSINGS



NUMBER OF "LACK OF RESOURCES" CLOSINGS

Municipalities	16
Regional Districts	5
Improvement Districts	3
Islands Trust	1
Libraries	1
Professional Associations	16
Total	42

NUMBER OF FILES OPEN BY AGE

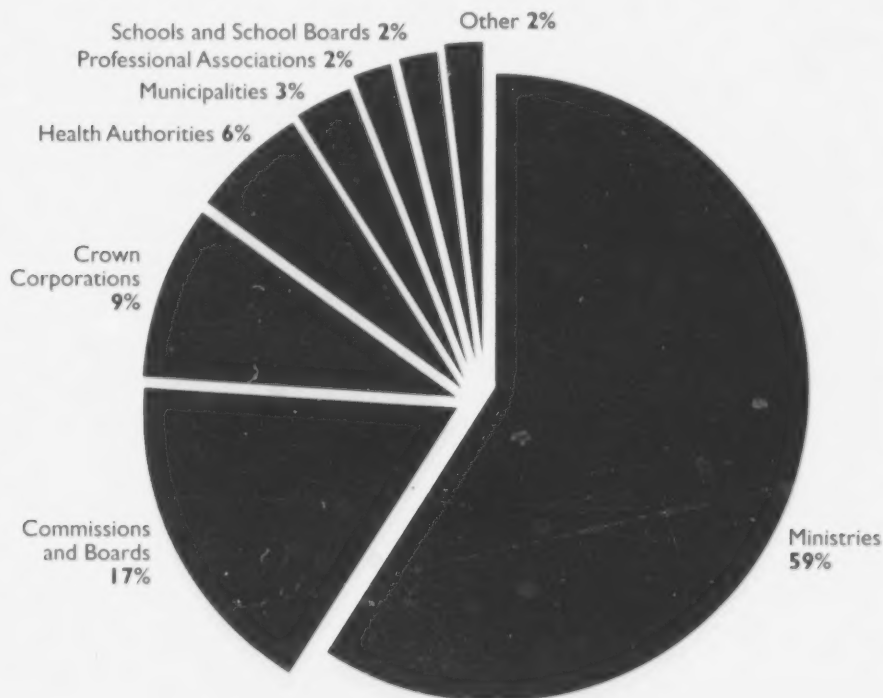


Number of Files Open at the End of Each Year

	2000		2001		2002		2003		2004		2005	
Less than 1 year old	646	67%	455	75%	276	76%	230	83%	371	91%	358	92%
1-2 years old	203		84		58		29		24		22	
2-3 years old	79		37		12		14		4		4	
3-4 years old	19	33%	25	25%	9	24%	3	17%	4	9%	2	8%
4-5 years old	3		1		5		1		1		1	
More than 5 years old	14		3		1		1		1		0	
Total open files	964		605		361		278		405		387	

* Performance measures introduced in September 2002 set objectives to have less than 20% of open files more than one year old as of 2002, and less than 15% more than one year old as of 2003, and less than 10% more than one year old as of 2004.

FILES CLOSED IN 2005 BY AUTHORITY



Ministries (59%)

Employment and Income Assistance	38%
Children and Family Development	19%
Public Safety and Solicitor General	14%
Health	8%
Attorney General	7%
Small Business and Revenue	3%
Advanced Education	2%
Forests and Range	2%
Transportation	2%
Labour and Citizens' Services	1%
Environment	1%
Other	3%

Commissions and Boards (17%)

Workers' Compensation Board	47%
Workers' Compensation Appeal Tribunal	13%
Public Guardian and Trustee	8%
BC Housing	7%
Teachers' Pension Board of Trustees	3%

Labour Relations Board	2%
Business Practices & Consumer Protection Authority	2%
Human Rights Tribunal	2%
Emergency Health Services Commission	2%
Private Career Training Institutions Agency	2%
BC Utilities Commission	2%
Other	10%

Crown Corporations (9%)

ICBC	63%
BC Hydro and Power Authority	25%
BC Assessment	4%
Land and Water British Columbia Inc.	2%
BC Transit	2%
BC Lottery Corporation	2%
Other	2%

Health Authorities (6%)

Vancouver Island Health Authority	24%
Fraser Health Authority	22%
Vancouver Coastal Health Authority	18%
Interior Health Authority	17%
Provincial Health Services Authority	13%
Northern Health Authority	6%

Municipalities (3%)

City of Vancouver	10%
City of Richmond	5%
City of Kelowna	5%
City of Nanaimo	5%
City of Surrey	5%
City of Victoria	5%
City of Chilliwack	4%
District of Maple Ridge	4%
Other	57%

Professional Associations (2%)

Law Society of British Columbia	45%
College of Physicians and Surgeons of BC	32%
Assoc. of Professional Engineers & Geoscientists	5%
College of Traditional Chinese Medicine & Acupuncturists of BC	4%
College of Dental Surgeons of BC	3%
Other	11%

Schools and School Boards (2%)

School District 23 (Central Okanagan)	5%
School District 69 (Qualicum)	5%
School District 10 (Arrow Lakes)	4%
School District 22 (Vernon)	4%
School District 39 (Vancouver)	4%
School District 70 (Alberni)	4%
Other	74%

Other (2%)

Colleges	36%
Regional Districts	35%
Universities	18%
Islands Trust	4%
Improvement Districts	3%
Libraries	3%
Parks Boards	1%

2005 AUTHORITY STATISTICS

Authorities by Section of the Schedule to the Ombudsman Act	Files Open as of Jan 1 2005	Requests for Information in 2005	Files Closed in 2005								Files Open as of Dec 31 2005
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (dis- cretion) (s.13)	Settled under s.14 (s.13(1))	Not Sub- stantiated (s.22)	Findings Sub- stantiated (s.23)	Total Matters Closed ^a	Total Files Closed ^a	
Ministries	246	330	643	317	1,475	197	176	0	3,008	1,919	312
Aboriginal Relations & Reconciliation	0	1	0	0	0	0	0	0	0	0	0
Advanced Education	8	0	21	1	31	12	6	0	71	68	7
Agriculture and Lands	0	1	2	1	1	1	0	0	5	5	2
Attorney General	12	19	45	20	134	8	14	0	221	208	11
Children and Family Development	46	5	71	8	424	29	21	0	553	541	55
Community Services	2	2	9	0	1	1	1	0	12	12	2
Economic Development	0	0	2	0	1	0	0	0	3	3	0
Education	1	1	3	0	3	0	0	0	6	6	0
Employment and Income Assistance	58	19	172	268	607	59	37	0	1,163	1,119	48
Energy, Mines and Petroleum Resources	1	0	2	0	0	1	0	0	3	3	2
Environment	10	0	13	1	16	3	0	0	33	33	7
Finance	1	0	5	2	1	2	0	0	10	10	0
Forests and Range	10	75	34	2	25	2	4	0	67	66	10
Health	34	10	91	3	105	28	22	0	249	242	26
Labour and Citizens' Services	4	75	20	1	11	4	5	0	41	41	1
Management Services	1	26	1	0	1	1	1	0	4	4	0
Public Safety and Solicitor General	16	262	100	5	256	27	36	0	424	418	17
Small Business and Revenue	8	3	29	2	31	15	4	0	81	80	11
Sustainable Resource Management	1	1	3	2	1	0	0	0	6	6	0
Transportation	13	0	20	1	26	4	5	0	56	54	13
Commissions and Boards	87	435	402	99	287	51	82	0	921	873	83
BC Board of Parole	0	0	2	0	1	0	0	0	3	3	0
BC Farm Industry Review Board	0	0	2	0	1	0	0	0	3	3	0
BC Housing	1	4	11	2	45	0	4	0	62	62	1
BC Safety Authority	1	0	0	0	3	0	1	0	4	4	3
BC Securities Commission	0	0	2	1	0	0	2	0	5	4	0
BC Utilities Commission	1	35	9	0	4	0	2	0	15	14	0
Business Practices & Consumer Protection Authority	3	350	13	3	2	1	1	0	20	19	4
Columbia Basin Trust	0	0	1	1	0	0	0	0	2	2	0
Coroners Service	0	0	4	0	4	0	0	0	8	8	1
Emergency Health Services Commission	3	0	3	3	7	2	1	0	16	17	3
Employment and Assistance Appeal Tribunal	5	0	9	1	16	0	4	0	30	1	5
Employment Standards Tribunal	0	0	2	0	0	0	0	0	2	2	1
Expropriation Compensation Board	1	0	0	0	0	0	1	0	1	1	0
Financial Institutions Commission	1	2	2	0	3	0	2	0	7	12	0
Financial Services Tribunal	0	0	0	0	0	0	0	0	0	0	1
Human Rights Tribunal	2	5	10	0	7	0	2	0	19	19	2
Industry Training Authority	0	0	2	0	2	0	0	0	4	4	0

Authorities by Section of the Schedule to the Ombudsman Act

	Files Open as of Jan 1 2005	Requests for Information in 2005	Files Closed in 2005								**Files Open as of Dec 31 2005
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (dis- cretion) (s.13)	Settled under s.14 (s.13(i))	Not Sub- stantiated (s.22)	Findings Sub- stantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Insurance Council of BC	0	2	3	0	0	0	0	0	3	3	0
Labour Relations Board	2	16	15	1	3	1	1	0	21	21	0
Land Title and Survey Authority	0	0	0	0	0	0	0	0	0	0	1
Mediation and Arbitration Board	0	0	1	0	0	0	0	0	1	1	0
Medical Services Commission	1	0	0	0	0	1	0	0	1	2	0
Motor Dealer Customer Compensation Fund Board	0	0	0	0	0	0	0	0	0	0	2
Municipal Pension Board of Trustees	0	0	0	0	2	0	1	0	3	1	0
Passenger Transportation Board	0	0	1	0	1	0	0	0	2	2	0
Pension Corporation	3	0	7	0	0	4	2	0	13	6	1
Premier's Office	0	0	1	0	1	0	0	0	2	2	0
Private Career Training Institutions Agency	4	8	9	0	5	1	5	0	20	16	1
Property Assessment Appeal Board	1	1	3	1	3	0	0	0	7	7	1
Provincial Agricultural Land Commission	1	0	2	0	1	0	1	0	4	4	1
Provincial Capital Commission	0	0	1	0	0	0	0	0	1	1	0
Public Guardian and Trustee	6	1	22	1	44	5	11	0	83	72	7
Real Estate Council	0	8	2	1	0	0	0	0	3	3	1
Teachers' Pension Board of Trustees	1	0	0	0	1	0	0	0	1	28	0
TransLink	2	1	7	0	2	1	0	0	10	10	0
Workers' Compensation Appeal Tribunal	11	0	57	10	40	0	5	0	112	112	12
Workers' Compensation Board	37	2	199	74	89	35	36	0	433	407	35
Crown Corporations	36	29	60	18	348	25	37	1	489	478	34
BC Assessment	1	0	3	3	1	0	2	0	9	20	1
BC Buildings Corporation	0	0	1	0	0	0	0	0	1	1	0
BC Hydro and Power Authority	4	3	8	2	96	10	4	0	120	120	4
BC Lottery Corporation	3	0	3	0	1	2	3	0	9	8	3
BC Pavilion Corporation	0	0	1	0	0	0	0	0	1	1	0
BC Rail	1	0	1	0	0	0	1	0	2	2	0
BC Transit	1	0	4	0	3	2	2	0	11	9	1
Homeowner Protection Office	1	1	2	0	3	0	0	0	5	5	1
ICBC	20	25	32	13	234	8	18	1	306	300	21
Land and Water British Columbia Inc.	4	0	4	0	10	3	6	0	23	10	2
Oil and Gas Commission	1	0	1	0	0	0	1	0	2	2	1
Municipalities	1	3	72	21	60	2	0	0	155	155	50
Resort Municipalities											
Resort Municipality of Whistler	0	0	0	0	1	0	0	0	1	1	0
Cities											
Abbotsford	0	0	2	0	0	0	0	0	2	2	1
Burnaby	0	0	0	0	2	0	0	0	2	2	0
Campbell River	0	0	2	0	0	0	0	0	2	2	0
Castlegar	0	0	1	0	0	0	0	0	1	1	1

Authorities by Section of the Schedule to the Ombudsman Act

	Files Open as of Jan 1 2005	Requests for Information in 2005	Files Closed in 2005								**Files Open as of Dec 31 2005
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (dis- cretion) (s.13)	Settled under s.14 (s.13(i))	Not Sub- stantiated (s.22)	Findings Sub- stantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Chilliwack	0	0	3	2	0	1	0	0	6	6	1
Colwood	0	0	0	0	0	0	0	0	0	0	1
Coquitlam	0	0	1	1	1	0	0	0	3	3	6
Cranbrook	0	0	0	0	1	0	0	0	1	1	0
Dawson Creek	0	0	2	0	0	0	0	0	2	2	1
Duncan	0	0	0	1	0	0	0	0	1	1	0
Fort St. John	0	0	1	0	1	0	0	0	2	2	0
Grand Forks	0	0	0	2	0	0	0	0	2	2	0
Kamloops	0	0	0	0	0	0	0	0	0	0	1
Kelowna	0	0	2	0	5	0	0	0	7	7	0
Langley	0	0	1	0	0	0	0	0	1	1	0
Nanaimo	1	1	2	2	3	0	0	0	7	7	1
Nelson	0	0	0	1	0	0	0	0	1	1	1
New Westminster	0	0	0	1	1	0	0	0	2	2	0
North Vancouver	0	0	2	0	0	0	0	0	2	2	1
Parksville	0	0	0	0	1	0	0	0	1	1	1
Penticton	0	0	0	2	2	0	0	0	4	4	1
Port Alberni	0	0	1	0	0	0	0	0	1	1	0
Port Coquitlam	0	0	0	0	1	0	0	0	1	1	0
Powell River	0	0	1	0	1	0	0	0	2	2	1
Prince George	0	0	0	0	2	0	0	0	2	2	0
Prince Rupert	0	0	1	0	0	0	0	0	1	1	0
Richmond	0	0	4	2	2	0	0	0	8	8	4
Roseland	0	0	0	0	0	0	0	0	0	0	1
Surrey	0	0	3	0	3	1	0	0	7	7	3
Terrace	0	0	1	0	0	0	0	0	1	1	0
Trail	0	0	0	1	0	0	0	0	1	1	2
Vancouver	0	2	10	1	4	0	0	0	15	15	3
Vernon	0	0	2	0	1	0	0	0	3	3	0
Victoria	0	0	2	0	5	0	0	0	7	7	0
White Rock	0	0	2	1	1	0	0	0	4	4	0
Williams Lake	0	0	0	0	1	0	0	0	1	1	0
Corporation of Delta	0	0	0	0	1	0	0	0	1	1	2
Districts											
100 Mile House	0	0	0	1	1	0	0	0	2	2	0
Central Saanich	0	0	0	0	1	0	0	0	1	1	0
Hope	0	0	0	0	0	0	0	0	0	0	2
North Saanich	0	0	0	0	0	0	0	0	0	0	1
Chetwynd	0	0	2	0	1	0	0	0	3	3	0
Maple Ridge	0	0	1	0	5	0	0	0	6	6	2
Metchosis	0	0	1	0	0	0	0	0	1	1	1

Authorities by Section of the Schedule to the Ombudsman Act

	Files Open as of Jan 1 2005	Requests for Information in 2005	Files Closed in 2005								**Files Open as of Dec 31 2005
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (dis- cretion) (s.13)	Settled under s.14 (s.13(i))	Not Sub- stantiated (s.22)	Findings Sub- stantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Mission	0	0	0	0	1	0	0	0	1	1	0
North Saanich	0	0	0	0	1	0	0	0	1	1	0
North Vancouver	0	0	3	0	0	0	0	0	3	3	0
Oak Bay	0	0	0	0	1	0	0	0	1	1	0
Saanich	0	0	0	0	1	0	0	0	1	1	0
Sechelt	0	0	1	0	1	0	0	0	2	2	1
Spanwood	0	0	1	0	0	0	0	0	1	1	1
Squamish	0	0	0	0	0	0	0	0	0	0	1
Summerland	0	0	2	0	1	0	0	0	3	3	1
Taylor	0	0	4	0	1	0	0	0	5	5	1
Tofino	0	0	1	0	0	0	0	0	1	1	0
Tumbler Ridge	0	0	0	0	1	0	0	0	1	1	1
Creston	0	0	0	0	0	0	0	0	0	0	1
Osoyoos	0	0	0	0	1	0	0	0	1	1	0
Sidney	0	0	1	0	0	0	0	0	1	1	0
Esquimalt	0	0	1	0	0	0	0	0	1	1	0
Townships											
Langley	0	0	0	1	1	0	0	0	2	2	0
Spallumcheen	0	0	0	0	0	0	0	0	0	0	1
Villages											
Anmore	0	0	0	0	0	0	0	0	0	0	1
Chase	0	0	1	0	0	0	0	0	1	1	0
Cumberland	0	0	1	0	0	0	0	0	1	1	0
Harrison Hot Springs	0	0	0	1	2	0	0	0	3	3	0
Keremeos	0	0	0	1	0	0	0	0	1	1	0
Pemberton	0	0	1	0	0	0	0	0	1	1	0
Sayward	0	0	3	0	0	0	0	0	3	3	1
Telkwa	0	0	0	0	0	0	0	0	0	0	1
Valemount	0	0	2	0	0	0	0	0	2	2	0
Regional Districts	0	0	18	6	16	0	0	0	40	40	9
Bulkley-Nechako	0	0	1	0	0	0	0	0	1	1	0
Capital	0	0	1	1	3	0	0	0	5	5	1
Cariboo	0	0	1	1	2	0	0	0	4	4	2
Central Coast	0	0	0	0	0	0	0	0	0	0	1
Central Kootenay	0	0	1	0	0	0	0	0	1	1	2
Central Okanagan	0	0	4	1	0	0	0	0	5	5	0
Columbia-Shuswap	0	0	1	0	2	0	0	0	3	3	0
Cowichan Valley	0	0	2	1	0	0	0	0	3	3	0
East Kootenay	0	0	1	0	1	0	0	0	2	2	0
Greater Vancouver	0	0	3	1	1	0	0	0	5	5	0
Kootenay Boundary	0	0	0	0	2	0	0	0	2	2	0

Authorities by Section of the Schedule to the Ombudsman Act

Authorities by Section of the Schedule to the Ombudsman Act	Files Open as of Jan 1 2005	Requests for Information in 2005	Files Closed in 2005								Total Matters Closed*	Total Files Closed*	**Files Open as of Dec 31 2005
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (dis- cretion) (s.13)	Settled under s.14 (s.13(i))	Not Sub- stantiated (s.22)	Findings Sub- stantiated (s.23)					
Nanaimo	0	0	2	0	1	0	0	0	3	3	0		
North Okanagan	0	0	0	0	0	0	0	0	0	0	1		
Okanagan-Similkameen	0	0	1	1	3	0	0	0	5	5	0		
Peace River	0	0	0	0	0	0	0	0	0	0	1		
Sunshine Coast	0	0	0	0	1	0	0	0	1	1	1		
Islands Trust	0	0	3	1	1	0	0	0	5	5	0		
Improvement Districts	0	0	0	3	1	0	0	0	4	4	1		
Campbell-Bennett Bay Improvement District	0	0	0	0	0	0	0	0	0	0	1		
Clearbrook Waterworks District	0	0	0	1	0	0	0	0	1	1	0		
Deep Bay Waterworks District	0	0	0	1	0	0	0	0	1	1	0		
Oasis Waterworks District	0	0	0	1	0	0	0	0	1	1	0		
Pineview Improvement District	0	0	0	0	1	0	0	0	1	1	0		
Libraries	0	0	2	1	0	0	0	0	3	3	1		
Fraser Valley Regional Library	0	0	0	0	0	0	0	0	0	0	1		
Powell River District Public Library	0	0	1	0	0	0	0	0	1	1	0		
Surrey Public Library	0	0	1	0	0	0	0	0	1	1	0		
Vancouver Island Regional Library	0	0	0	1	0	0	0	0	1	1	0		
Parks Boards	0	0	1	0	0	0	0	0	1	1	1		
Cultus Lake Park Board	0	0	1	0	0	0	0	0	1	1	1		
School Districts	29	0	28	3	57	3	11	0	102	91	15		
Southeast Kootenay (5)	0	0	1	0	0	0	0	0	1	1	0		
Kootenay Lake (8)	1	0	1	0	3	0	0	0	4	2	0		
Arrow Lakes (10)	1	0	0	0	1	0	0	0	1	4	0		
Vernon (22)	1	0	1	0	1	0	0	0	2	4	0		
Central Okanagan (23)	2	0	2	0	2	0	0	0	4	5	0		
Cariboo-Chilcotin (27)	1	0	0	0	1	1	0	0	2	2	1		
Quesnel (28)	1	0	0	0	1	0	0	0	1	3	0		
Abbotsford (34)	0	0	0	0	2	0	1	0	3	1	0		
Langley (35)	1	0	0	0	2	0	0	0	2	2	2		
Surrey (36)	1	0	1	0	1	0	1	0	3	3	0		
Richmond (38)	0	0	0	0	0	0	0	0	0	0	2		
Vancouver (39)	0	0	1	2	1	1	1	0	6	4	1		
New Westminster (40)	2	0	0	0	2	0	0	0	2	2	0		
Burnaby (41)	0	0	0	0	1	0	0	0	1	1	0		
Maple Ridge-Pitt Meadows (42)	0	0	2	0	1	0	1	0	4	2	0		
Coquitlam (43)	0	0	1	0	1	0	0	0	2	2	0		
North Vancouver (44)	4	0	0	1	4	0	4	0	9	1	0		
West Vancouver (45)	1	0	2	0	1	0	0	0	3	3	0		
Sunshine Coast (46)	1	0	0	0	3	0	0	0	3	2	0		
Powell River (47)	0	0	1	0	0	0	0	0	1	1	0		
Central Coast (49)	0	0	0	0	0	0	0	0	0	0	1		

Authorities by Section of the Schedule to the Ombudsman Act

Authorities by Section of the Schedule to the Ombudsman Act	Files Open as of Jan 1 2005	Requests for Information in 2005	Files Closed in 2005								**Files Open as of Dec 31 2005
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (dis- cretion) (s.13)	Settled under s.14 (s.13(ii))	Not Sub- stantiated (s.22)	Findings Sub- stantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Okanagan Similkameen (53)	1	0	1	0	2	0	0	0	3	3	0
Prince George (57)	1	0	0	0	2	0	1	0	3	3	0
Nicola-Similkameen (58)	0	0	1	0	1	0	0	0	2	2	1
Peace River North (60)	1	0	0	0	2	0	0	0	2	2	0
Greater Victoria (61)	0	0	2	0	0	0	0	0	2	2	1
Saanich (63)	0	0	0	0	2	0	0	0	2	3	1
Gulf Islands (64)	1	0	1	0	2	0	0	0	3	3	1
Nanaimo-Ladysmith (68)	0	0	2	0	2	0	0	0	4	3	1
Qualicum (69)	3	0	0	0	4	0	1	0	5	5	0
Alberni (70)	2	0	1	0	3	0	0	0	4	4	0
Comox Valley (71)	0	0	2	0	1	0	0	0	3	3	0
Campbell River (72)	0	0	0	0	1	0	0	0	1	2	0
Kamloops/Thompson (73)	0	0	1	0	1	0	0	0	2	2	0
Gold Trail (74)	0	0	1	0	0	0	0	0	1	1	0
Mission (75)	2	0	1	0	1	0	1	0	3	3	0
Cowichan Valley (79)	1	0	0	0	3	1	0	0	4	1	0
North Okanagan-Shuswap (83)	0	0	1	0	1	0	0	0	2	2	2
Stikine (87)	0	0	1	0	1	0	0	0	2	2	1
Universities	7	1	6	0	10	0	5	0	21	21	1
Simon Fraser University	1	0	2	0	1	0	1	0	4	4	0
Thompson Rivers University	0	0	0	0	0	0	1	0	1	2	0
University of British Columbia	4	0	2	0	7	0	1	0	10	10	1
University of Northern BC	0	0	0	0	1	0	1	0	2	1	0
University of Victoria	2	1	2	0	1	0	1	0	4	4	0
Colleges	11	1	15	1	20	1	5	0	42	42	5
BC Institute of Technology	2	0	3	0	2	0	0	0	5	5	0
Camosun College	0	0	1	0	0	0	0	0	1	5	0
Capilano College	0	0	1	0	0	0	0	0	1	1	1
College of New Caledonia	0	0	0	0	0	0	1	0	1	5	0
College of the Rockies	0	0	0	0	0	0	0	0	0	0	1
Douglas College	1	0	0	0	1	0	0	0	1	1	0
Justice Institute of BC	0	0	0	0	0	1	0	0	1	1	1
Kwantlen University College	1	0	1	0	3	0	0	0	4	4	1
Langara College	3	1	0	0	3	0	2	0	5	1	0
Malaspina University College	0	0	1	1	2	0	1	0	5	2	1
Nicola Valley Institute of Technology	0	0	0	0	1	0	0	0	1	1	0
North Island College	0	0	0	0	1	0	0	0	1	1	0
Northern Lights College	0	0	2	0	0	0	0	0	2	1	0
Northwest Community College	0	0	1	0	0	0	0	0	1	1	0
Okanagan University College	3	0	3	0	2	0	1	0	6	6	0
Open Learning Agency	0	0	0	0	1	0	0	0	1	1	0

Authorities by Section of the Schedule to the Ombudsman Act

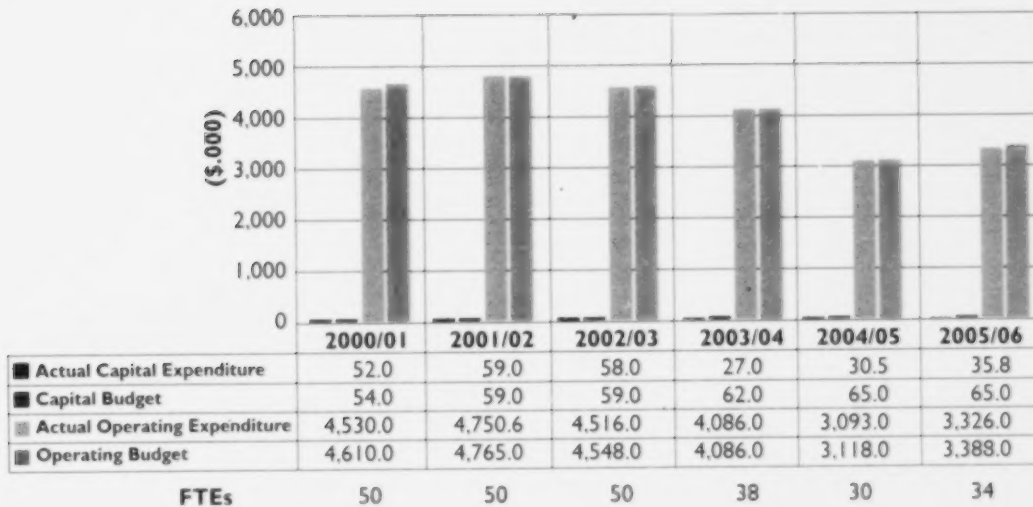
	Files Open as of Jan 1 2005	Requests for Information in 2005	Files Closed in 2005								**Files Open as of Dec 31 2005
			Enquiries	Declined (s.10, 11)	Refused/ Ceased (dis- cretion) (s.13)	Settled under s.14 (s.13(i))	Not Sub- stantiated (s.22)	Findings Sub- stantiated (s.23)	Total Matters Closed*	Total Files Closed*	
Selkirk College	0	0	1	0	0	0	0	0	1	1	0
University College of the Cariboo	0	0	0	0	2	0	0	0	2	2	0
University College of the Fraser Valley	1	0	0	0	1	0	0	0	1	1	0
Vancouver Community College	0	0	1	0	1	0	0	0	2	2	0
Professional Associations	0	59	71	17	21*	1	1	0	111	111	28
Architectural Institute of BC	0	0	1	0	0	0	0	0	1	1	1
Association of Professional Engineers & Geoscientists	0	1	2	1	1	1	0	0	5	5	0
BC College of Chiropractors	0	0	1	0	0	0	0	0	1	1	0
BC Veterinary Medical Association	0	0	0	0	1	0	0	0	1	1	0
Board of Registration for Social Workers	0	0	0	2	0	0	0	0	2	2	0
College of Dental Surgeons of BC	0	5	3	0	0	0	0	0	3	3	2
College of Licensed Practical Nurses of BC	0	0	0	0	0	0	1	0	1	1	0
College of Massage Therapists of BC	0	0	1	0	0	0	0	0	1	1	1
College of Opticians of BC	0	0	0	0	0	0	0	0	0	0	1
College of Pharmacists of BC	0	0	2	0	0	0	0	0	2	2	0
College of Physicians and Surgeons of BC	0	34	28	4	4	0	0	0	36	36	6
College of Psychologists of BC	0	0	0	1	0	0	0	0	1	1	2
College of Registered Nurses of British Columbia	0	0	1	0	1	0	0	0	2	2	0
College of Teachers	0	0	0	0	0	0	0	0	0	0	1
College of Traditional Chinese Medicine & Acupuncturists of BC	0	0	2	0	2	0	0	0	4	4	1
Institute of Chartered Accountants of BC	0	0	1	0	0	0	0	0	1	1	0
Law Society of British Columbia	0	19	29	9	12	0	0	0	50	50	13
Health Authorities	39	6	97	6	173	12	21	0	309	291	23
Fraser	9	2	13	1	41	3	13	0	71	63	6
Interior	8	0	19	2	26	2	0	0	49	49	3
Northern	3	0	5	1	9	2	2	0	19	18	1
Vancouver Coastal	4	1	22	1	28	1	3	0	55	53	7
Vancouver Island	9	3	31	0	36	3	2	0	72	71	6
Provincial Health Services	6	0	7	1	33	1	1	0	43	37	0
Jurisdictional Totals	456	1,054	1,418	493	2,669	292	338	1	5,211	5,034	463
Non-Jurisdictional Totals	0	1,062	15	489	0	0	0	0	504	504	3
Grand Totals for 2005	456	2,116	1,433	982	2,669	292	338	1	5,715	5,538	466

* For investigation files, the number of files closed is no longer the same as the number of closings. Starting July, 2003, we began closing each issue, or matter of administration identified on a file, separately. Each investigation file has one or many matters of administration. Therefore the number of matters closed during a period may be greater than the number of files closed. A file is considered closed when all its matters of administration are closed.

** Includes files waiting in holding queue.



budget summary



Notes: The operating budget for 2003/04 includes \$36,000 accessed from contingencies to assist with adjustments to leave liability.

The operating budget for 2004/05 includes \$20,000 provided in supplementary estimate.



staff

Alyne Mochan	Diane Johnston	Judy Ashbourne
Andre Vallillee	Dorothy Hayward	Lanny Hubbard
Blaine Beaulieu	Eric Regehr	Laurel May
Brad Cambrey	Gladys Clarke	Linda Carlson
Bruce Clarke	Glenn Anness	Linda Pink
Bruce Ronayne	Gretchen Cleveland	Rhonda Brown
Carly Hyman	Harry Vogt	Richard Webber
Carol Kemeny	Howard Kushner	Rochelle Walter
Cary Chiu	Ian MacCuish	Sandra Chan
Carlene Thistle-Walker	Jacqueline Restall	Shera Skinner
Christina McMillan	Janet Hacker	Susan Berry
Christine Morris	Janice Curtis	Teri Burley
Dale Bryant	Jennifer Bertsch	Victor Gardner
David Bagshaw	Jo-Anne Kern	
David Gagnon	Joan Ridsdel	

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